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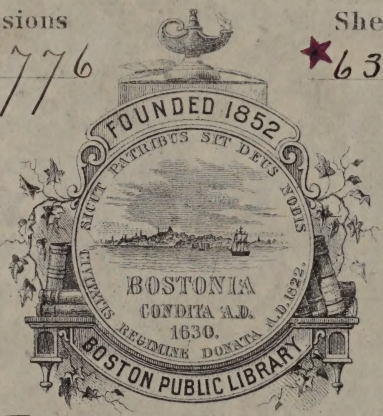

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CITY CHARTER

AND

ORDINANCES

OF THE

CITY OF TAUNTON,

WITH THE

RULES AND ORDERS OF THE CITY GOVERNMENT,

AND THE

PUBLIC AND SPECIAL STATUTES OF THE COMMONWEALTH RELATING TO MUNICIPAL AFFAIRS,

AND A

HISTORICAL LIST OF TOWN AND CITY OFFICERS.

PUBLISHED BY ORDER OF THE CITY COUNCIL.

TAUNTON:
C. A. HACK & SON, PRINTERS.
1883.

Other ed.

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PREFACE.

The revision of the statutes of this commonwealth by the enactment of the Public Statutes of 1882, and the revision of the city charter by the "Act to revise the Charter of the City of Taunton," approved May 11, 1882, and accepted by the city council July 10, 1882, drew public attention to the long-felt need of a revision of the ordinances of the city and the re-publication of the statutes, special and public, appertaining to its municipal affairs.

The city council accordingly in June, 1882, passed the following order which was duly approved by Hon. Charles F. Johnson, mayor:

Ordered:

That a special committee be appointed, to consist of two aldermen and three members of the common council, with authority to employ such assistance as may be necessary, who shall prepare a revision and consolidation of the various city ordinances and rules and orders; and that said committee cause the same, together with the city charter, and such general and special laws as relate to municipal affairs, and such other matters as they deem expedient, to be printed in a neat and convenient form, the expense thereof to be charged to the appropriation for incidentals.

Aldermen Henry D. Atwood, Walter S. Sprague, and councilmen Charles Foster, George W. Barrows and James H. Bosworth were appointed upon this special committee.

In September, 1882, this committee employed, to assist them in carrying forward this work, Charles A. Reed, Esq., and James M. Cushman, Esq., under whose supervision and advice the whole body of the existing ordinances was carefully revised and to a large extent re-drafted, and such additions and alterations were made as the committee deemed necessary to bring the detached and somewhat incongruous ordinances, ordained at different dates from 1865 to the present time, into one consistent body of by-laws in harmony with the statutes, special and public, which define and limit the duties and powers of our municipal government. The result of this protracted labor is found in the revised ordinances which were submitted to the city council in December, 1882, and were finally passed to be ordained and were duly approved December 29, 1882.

The service contemplated under the original order not having been fully completed in the year 1882, the city council, January 3, 1883, passed the following order:

Ordered:

That a special committee, consisting of two aldermen and three of the common council, be appointed to complete the work of revising and publishing the city charter and ordinances and such other matters as it is deemed expedient to publish, in accordance with the provisions of an order passed by the city council on the 28th of June, 1882.

Under this order, aldermen Walter S. Sprague, George W. Barrows, and councilmen Charles Foster, James H. Bosworth and Daniel Carey, were appointed such special committee, and the committee employed the same advisers in carrying to completion the work laid down in the original order.

The committee have introduced into this volume all special statutes appertaining to Taunton, including the revised city

charter, and also such portions of the public statutes as might be specially useful for ready reference to aid members and officers of the city government.

To this has been added the rules and orders of the two branches of the city council, and an historical list of the town and city officers.

Much more material, both statutory and historical, was contemplated, but the committee found that such additional matter would add little to the practical utility, and would cause an undue enlargement of the volume. The indexing has been carried forward by arranging alphabetically the ordinances, according to their subject-matter, and exhibiting the same at the top of the page, and by furnishing a new and enlarged index of all matters contained in the whole volume, with double references upon most subjects, so as to provide a full and easy key to every portion of the book.

The committee acknowledge the constant and valuable services of the gentlemen whom they have associated with them in the preparation of this volume in all its parts, and they would particularly mention the special services of Charles A. Reed, Esq., in re-drafting and revising the ordinances, and of James M. Cushman, Esq., in compiling the statutes and in furnishing the historical data, and the valuable index which concludes this book.

WALTER S. SPRAGUE,
GEORGE W. BARROWS,
CHARLES FOSTER,
JAMES H. BOSWORTH,
DANIEL CAREY.

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CITY OF TAUNTON.

CITY CHARTER.[1]

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5. Election of Mayor, Aldermen, Councilmen, and commencement of term of office. Election of School Committee. Term of office. Vacancies: how filled.
6. Mode of conducting Municipal Elections. Certificates of Election to be delivered. Proceedings in case of failure to elect. Examination of returns of votes for Mayor and School Committee. Notice of Election. Vacancy in Mayor's office: how filled. City Government: annual organization. To be qualified. Vacancy in either board. Chairman of Aldermen to be elected.
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[1] The first act of the Legislature of Massachusetts, establishing the City of Taunton, was passed March 31, 1860, but was rejected by the inhabitants thereof April 30, 1860. (See Town Records No. 9, p. 189). The second act was passed May 11, 1864, and adopted June 6, 1864. (See Town Records No. 10, p. 107). The first amendment was accepted by the City Council Feb. 21, 1866. The second amendment was accepted July 21, 1869. The present revised charter was approved May 11, 1882, and accepted by the City Council July 10, 1882.

CITY CHARTER.

SECTION 1. The inhabitants of the city of Taunton, for all purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate under the name and style of the City of Taunton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Corporate name and general powers.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in a mayor, one council of eight to be called the board of aldermen, and one council of twenty-four to be called the common council; which boards, in their joint capacity, shall be called the city council; and the members thereof shall be sworn to the faithful discharge of their duties. A majority of each board shall constitute a quorum for business.

Government vested in Mayor and City Council.

SECT. 3. The city of Taunton shall continue to be divided as heretofore into eight wards. The city council may, at any time before the year eighteen hundred and eighty-five, and not oftener than once in five years thereafter, alter, if needful, the boundaries of the wards so as to preserve, as nearly

To be divided into eight wards.

Boundaries may be changed.

as may be consistent with well-defined limits to each ward, an equal number of voters in each ward; and until such alteration shall be made the boundary lines of the wards of said city shall remain as now established.

Election of Ward Officers.

SECT. 4. On Tuesday after the first Monday in December in each year, there shall be chosen by ballot in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*, by the voters present. The clerk shall record all the proceedings of such meetings and certify the votes cast and deliver to his successor in office all records, journals, documents and papers held by him in his official capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to the faithful discharge of their duties. The oath of office shall be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace; certificate of such oaths shall be made by the clerk upon the ward records. The election of

Ward Officers to be sworn.

municipal officers shall take place on Tuesday next after the first Monday of December annually, and the municipal year shall begin on the first Monday of January following. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form and served and returned in such manner and at such times as the city council shall by ordinance direct.

Warrants for meetings.

SECT. 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards. He shall be a qualified voter of the city, and shall hold his office for the municipal year next following his election, and until another shall have been elected and qualified in his place. One alderman and three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election and until a majority of the new boards respectively shall be elected and qualified in their places. The board of school committee shall consist of eleven persons; three members shall be chosen at each annual election, in the manner provided for the election of mayor, for the term of three years. The mayor and president of the common council shall be *ex officiis* members of the board of school committee, with the same powers and duties as if severally elected thereto; and the mayor shall be chairman of said board. The persons heretofore elected as members of said board shall continue in office according to the tenure thereof. The board of school committee shall be the final judge of the qualification and election of its own

Mayor to be elected at large

One Alderman and three Councilmen from each ward

School Committee.

members, and shall have all the powers vested in school committees by the laws of the Commonwealth. A majority of the members of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board may be filled, for the remainder of the municipal year, by the joint ballot of the aldermen and school committee, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancy occurs.

Vacancies. P. S. chap. 44, sec. 22.

Annual election of officers.

SECT. 6. On Tuesday after the first Monday of December in each year when the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee and ward officers, as herein before provided, all the votes so given in shall be assorted, counted, declared and registered in open ward meeting, and the name of each person voted for and the number of votes given for each person shall be recorded in words at length. The clerk of the ward, within twenty-four hours after such election, shall cause to be delivered to each person elected as alderman and common councilman a certificate of his election, signed by the warden and clerk and a majority of the inspectors, and shall deliver to the city clerk a copy of the record of such elections certified in like manner: *provided*, that in all cases the persons receiving the greatest number of votes for their respective offices shall be declared to be elected. If two or more persons have received the same number of votes for any of said offices, the meeting may be adjourned from time to time until some person is elected. The board of aldermen shall, as soon as may be and in the manner provided by law, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who has received

Certificates of election.

the greatest number of votes for mayor, and the persons who have received the greatest number of votes for school committee, respectively, to be notified in writing of their election; but if there shall appear to be a failure so to elect in any case, or if a person so elected shall refuse to accept his office, the board of aldermen shall issue their warrants for a new election, and the same proceedings as herein before provided shall thereupon be had and repeated until such officers shall be elected. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and the common council shall respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold the office until the inability aforesaid is removed, or until a new election, which may be ordered by the board of aldermen. The oath of office shall be administered to the mayor by the city clerk or any justice of the peace. The aldermen and common councilmen elect shall, on the first Monday of January in each year at ten o'clock in the forenoon, meet in convention, when the oath shall be administered to them by the mayor or city clerk, a certificate whereof shall be entered on the journals of said boards by their respective clerks. The boards shall then separate and the common council shall be organized by the choice of one of their number as president, and also of a clerk, not one of their number, both of whom shall be sworn to the faithful discharge of their duties. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been chosen, the city government shall be organized in the manner herein before provided, and

Vacancy in the office of mayor

Organization of the government.

may proceed to business in the same manner as if the mayor was present; and the oath of office, at any time thereafter in convention of the two branches, may be administered to the mayor and any member of the city council who may have been absent at the organization. The board of aldermen shall elect one of their number to preside at all meetings of the board when the mayor does not preside, who shall be called the chairman of the board of aldermen, and who shall hold office during the municipal year for which he is elected. In the absence of both the mayor and chairman of the board of aldermen, the aldermen shall elect one of their members as chairman for the time being. In the absence of the mayor, the chairman of the board of aldermen shall preside at all conventions of the city council. Each board shall keep a record of its own proceedings, and judge of the election of its own members; but in case of the failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Chairman of the Board of Aldermen to be elected.

Each board to keep a record.

Mayor to be chief executive officer.

SECT. 7. The mayor shall be the chief executive officer of the city; he shall be vigilant in causing the laws and regulations of the city to be enforced; he shall exercise a general supervision over the conduct of all subordinate officers, and shall cause their neglect of duty to be punished. He may call special meetings of the boards of aldermen and common council, or either of them, when he deems it necessary, by causing written notices thereof to be left at the places of residence of the several members. He shall from time to time communicate such information and recommend such measures as in his opinion the interests of the city may require. He shall preside in the board of aldermen, and in convention of the two boards.

SECT. 8. In all cases in which appointments are directed to be made by the mayor and alderman, the mayor shall have exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall fail of confirmation it shall be the duty of the mayor to make another nomination within one month from the time of such rejection or failure to confirm.

Mayor to nominate, subject to confirmation by Aldermen.

SECT. 9. The executive power of said city generally, and the administration of the police, with all the powers formerly vested in the selectmen of the town of Taunton, and heretofore vested in the mayor and aldermen of the city of Taunton, shall continue to be vested in and exercised by the mayor and aldermen of said city, as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full exclusive power to appoint constables, and a city marshal or chief of police and assistants, with the powers and duties of constables, and all other police officers, and to remove the same when cause exists therefor. All other powers now vested in the inhabitants of said city, and all powers granted to them by this act, shall be vested in the mayor and aldermen and common council, except so far as different provisions are herein made, to be exercised by concurrent vote, each board to have a negative upon the other. The city council shall annually, as soon as may be after organization, elect by joint ballot a city treasurer, collector of taxes, city clerk, city solicitor, superintendent of streets, [and city physician] for e ensuing year, who shall hold their respective offices until others are elected and qualified in their stead, and the city council shall, in such manner as may be determined by ordinance, appoint or elect all other subordinate officers not

Executive power vested in mayor and aldermen.

Election of city treasurer, city clerk, etc.

[Repealed, act of 1883.]

herein otherwise provided for, define their duties and fix the compensation of all officers and subordinate officers so far as the same are not determined by the laws of the Commonwealth. The city council may fill a vacancy existing in any such office, and may remove any of said officers for cause. The sessions of the boards aforesaid shall be public when they are not engaged in executive business. The city council shall see that no money is paid from the city treasury unless granted or appropriated; they shall secure a just and prompt accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money, and from such other officers as they may think necessary; they shall have the care and superintendence of the city buildings, and the control and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real and personal, in the name and for the use of the city, whenever in the judgment of the city council it may be deemed expedient. The city council shall publish annually a particular account of the receipts and expenditures of the city, and a schedule of the property and debts of the same. The city council shall also fix the annual salary of the mayor.

Vacancies and removals.

General duties of the city council.

General statement of receipts and expenditures to be printed.

Members of city council not to hold salaried offices

SECT. 10. No alderman or common councilman shall be appointed or elected by the city council, or either branch thereof, to any office the salary of which is paid by the city.

City clerk to be clerk of aldermen and in joint convention.

SECT. 11. The city clerk before entering upon the duties of his office shall be sworn to the faithful performance thereof. He shall be clerk of the board of aldermen, shall attend said

board when the same is in session, keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him; he shall deliver all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the board of aldermen. He shall also be clerk of the city council when in convention. He shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns in this Commonwealth, or by law belonging to the city clerk of the city of Taunton, as fully as if the same were particularly enumerated. In case of the temporary absence or sickness of the city clerk, or in case of his death, the mayor and aldermen may appoint a city clerk *pro tempore*, with all the powers, duties and obligations of the city clerk, until the city clerk resumes his duties, or his successor is elected; and said officer shall be sworn in the manner provided in the case of the city clerk.

Appointment in case of absence.

SECT. 12. The persons heretofore elected by the city council as members of the board of assessors shall continue in office according to the terms heretofore established, and as soon after the first Monday in January annually hereafter as conveniently may be, the city council shall by concurrent vote elect one person, a resident of said city, to serve as a member of said board for three years from said first Monday, and until his successor is chosen and qualified. The city council may in like manner fill any vacancy in said board;

Assessors and assistants.

Collection of taxes.

may elect such assistants and provide such clerical aid as it deems necessary, and define the duties and fix the compensation of all of said officers. The assessors chosen as aforesaid shall exercise the same powers and be subject to the same duties and liabilities as town assessors under the laws of the Commonwealth. They shall be sworn to the faithful discharge of their duties. All taxes shall be apportioned and collected in the manner prescribed by the laws of this Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Overseers of the poor.

SECT. 13. As soon after the acceptance of this act as may be convenient, the city council shall by concurrent vote choose three persons to be overseers of the poor, — one for three years, one for two years, and one for one year, from the first Monday of January preceding said election, and until others shall be elected in their stead; and thereafter in the month of January annually said city council shall in like manner choose one person who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead. The city council may, for cause, remove any member of said board, and shall fill any vacancy therein for the unexpired term, by election in the manner herein before provided, as soon as may be after the occurrence of such vacancy. Annually in the month of January said board shall organize by the choice from their own number of a chairman, and a secretary who shall also act as agent of said board. The city council shall fix the compensation of said overseers of the poor.

Board of health.

SECT. 14. There shall be a board of health consisting of the city physician and two other persons, who shall be forthwith appointed in the manner provided in sections eight and fifteen of chapter eighty of the Public Statutes; and said board shall have all the powers and privileges and be subject to all the duties and provisions relating to boards of health so appointed, set forth in said chapter, and all the power and authority now vested in the board of health of said city shall be transferred to and be vested in the board of health appointed as above provided.

Fire department.

SECT. 15. The city council shall establish a fire department for said city, and shall by ordinance determine of what officers and members said department shall consist, prescribe the time and mode of their appointment and removal, define their powers, duties and periods of service, fix their compensation and make such other regulations regarding their conduct and government as they deem expedient. The engineers or other officers of the department, appointed as aforesaid, shall have all the powers and authority conferred upon fire wards by the Public Statutes. The city council of said city may by ordinance make regulations concerning the management of fires, the conduct of all persons present at the same, the removal and protection of property, the examination of any building or place where combustible materials or substances are supposed to be kept or deposited, the removal of such materials and substances, and the adoption of other suitable safeguards against fires and the loss or destruction of property by reason of the same. Said city may procure and hold such land, buildings, furniture, engines and other apparatus as may be necessary for the purposes of the fire depart-

ment; and the city council may by ordinance make regulations regarding the use, control and preservation thereof.

Powers may be exercised as prescribed by the city council

The powers and duties mentioned in the preceding sections, or any of them, may be exercised and carried into effect by the said city council in any manner in which it may prescribe, and through the agency of any persons or any board or boards to whom it may delegate the same. Suitable penalties may be affixed to the violation of the regulations made under the authority of this act, not exceeding twenty dollars for any breach thereof. Said city is authorized to expend a sum not exceeding five hundred dollars annually, under the direction of the city council, for the relief of such firemen as are disabled in the service of said city, and for the relief of the families of such firemen as are killed in the performance of their duties.

Laying out streets, etc.

SECT. 16. The mayor and aldermen, with the concurrent vote of the common council, may lay out, alter or discontinue streets and town ways, fix the grades thereof and estimate the damages sustained by parties thereby; but all parties aggrieved by such action shall have the same right of application and complaint to the county commissioners that they now have when dissatisfied with the action of selectmen of towns.

Drains and common sewers.

SECT. 17. The mayor and aldermen, with the concurrence of the common council, may lay drains and common sewers through streets or private lands, paying the owners such damages as they sustain thereby. They may require any person opening a drain into such common drain or sewer to pay a reasonable sum for that privilege.

SECT. 18. The mayor and aldermen shall in each year issue their warrants for calling meetings for the election of the whole number of representatives to the general court, to which the said city is by law entitled, such number to be specified in such warrants.

Election of representatives to general court.

SECT. 19. All elections of county, state and United States officers, who are chosen by the people, shall be held at meetings of citizens qualified to vote in such elections in their respective wards at the times prescribed by law; the votes given for such officers shall be received, assorted, counted, declared and registered in open ward meetings, as is herein provided in reference to city officers. The ward clerks shall forthwith deliver to the city clerk certified copies of the records so made; and all ballots and check lists shall be sealed and transmitted to the city clerk in the manner provided by the laws of the Commonwealth. The city clerk shall forthwith record such returns; and the mayor and aldermen shall, within the time provided by law, after every such election, examine and compare all such returns, and make out a certificate of the result of such election, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which certificate shall be transmitted, delivered and returned as by law required. If the whole number of representatives to the General Court are not elected, the mayor and aldermen shall issue their warrants for a new election, conformably to the constitution and laws.

Election of national, state and county officers.

SECT. 20. Lists of voters in each ward shall be prepared by the mayor and aldermen in the manner provided by the laws of the Commonwealth, and for that purpose they shall

Preparation of voting lists.

have access to the assessors' books and lists, and be entitled to the assistance of all the city officers; and said lists, so prepared, they shall deliver to the clerks of the wards, to be used at such elections, and shall cause copies thereof to be posted in three public places in each ward the length of time required by law prior to such elections; and no person shall be entitled to vote in a ward whose name is not borne on such a list: *provided*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote when it shall be placed in the hands of the clerk of said ward shall have the right to have his name entered thereon at such time thereafter as is provided in like cases by the laws of this Commonwealth.

General meetings of citizens

SECT. 21. General meetings of the citizens qualified to vote may be held according to the right secured to the people by the constitution of the Commonwealth. Such meetings shall be called by the mayor and aldermen on the petition of fifty qualified voters.

By-laws to be made for inspection of bark, lumber, etc.

SECT. 22. The city council shall make by-laws or ordinances, with suitable penalties, for the inspection, survey, measurement, weighing and sale of lumber, wood, coal and bark brought into or exposed in the city for sale, and all such other by-laws as towns may make and establish; but no penalty for a breach thereof shall exceed twenty dollars. Such by-laws shall be presented to the mayor for his approval; if he approve, he shall sign them; if not he shall return them to either branch of the city council, with his objections; if they are again passed by two-thirds of the members of each board present and voting thereon, the same shall become a law,

otherwise not. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

Fines and forfeitures may be prosecuted for before First District Court of Bristol.

SECT. 23. All fines, forfeitures and penalties accruing for the breach of any by-law of said city, or of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the First District Court of Bristol in the manner in which fines, forfeitures and penalties have heretofore been by law prosecuted for and recovered; reserving however to the party prosecuted the right of appeal to the superior court. If any person refuses to pay such a fine imposed upon him, or refuses to recognize with sureties to prosecute his appeal, the same proceedings shall be had as in any criminal prosecution.

Void unless accepted within three months.

SECT. 24. This act shall be void unless accepted by the city council of Taunton within three months from its passage.

[*Approved May* 11, 1882.

Accepted by the City Council July 10, 1882.

REVISED ORDINANCES

OF THE

CITY OF TAUNTON.

REVISED ORDINANCES.

CITY OF TAUNTON.

IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-TWO.

Be it ordained by the City Council of the City of Taunton, as follows:—

CHAPTER I.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION.

1. Organization of the board. Abatements of taxes to be made only by the full board.
2. Duties of the clerk. To report abatements of taxes to the city council,
3. Duties of assessors.
4. Duties of assistant assessors.
5. Tax lists to be committed to the collector by September 1st, and public notice thereof given.
6. Discount for prompt payment. Summons to be served upon each delinquent. Interest to be added on all taxes unpaid Nov. 1st.
7. City treasurer to be collector of taxes. To report unpaid taxes to the city council.

ASSESSORS.

SECTION 1. The assessors shall meet as soon as practicable, after the annual election of an assessor in each year and organize as a board by the choice of a chairman and clerk, and in the transaction of all business by the board, a majority thereof shall be required; but no abatement of taxes shall be made except at a meeting of the full board.

Organization. Ord. 6. Ord. 26, s. 2. Rev. Chart. s. 12.

Abatement. Ord. 26, s. 10. P. S. ch. 11, s. 69–77.

Duties of clerk

SECT. 2. The clerk shall have the care and custody of all books, papers, and documents belonging to the board and shall deliver the same to his successor in office. He shall keep a record of all the transactions of the board including the names of all persons whose taxes are abated or revised, the amount abated or revised and on what property the abatement is made, and the grounds therefor, in suitable books to be furnished by the city; and he shall report the same to the city council as it shall direct.

P. S. ch. 11, s. 76.

Duties of assessors. Ord. 26, s. 3.

SECT. 3. To obtain accurate knowledge of the polls and property to be assessed, one at least of the board together with such of the assistant assessors, if any there be, as the board may designate, shall visit and examine the different estates in the city and confer with the persons to be taxed therefor: the lists of the polls and property in each ward shall be kept as provided by law in separate books, except that all the estate owned by any person may be taxed in the ward where he resides, or, if a non-resident, in such ward as the board shall determine: and after the warrant for the collection of the taxes shall have been committed to the collector said lists shall always be open to public inspection at the office of the board and shall not be removed therefrom except upon some special emergency, as the board shall direct.

Lists.

P. S. ch. 11, s. 50, 58.

Assistant assessors. Ord. 26, s. 4.

SECT. 4. It shall be the duty of the assistant assessors, when chosen, to assist the assessors in any matters

relating to their duties whenever requested thereto, and the board shall designate any special duty as occasion may require. P. S. ch. 27, s. 103.

Lists and warrant for collection. Ord. 26, s. 5, 6, 7

SECT. 5. The board shall on the first of May, or as soon thereafter as practicable, assess all taxes in the manner prescribed by law, and shall complete the assessment of taxes and commit the lists of taxes with their warrant for the collection thereof to the collector on or before the first day of September in each year: and public notice of the commitment thereof with the rate of discount, if any, which the city council shall by ordinance determine, shall forthwith be made by posting said notice in one or more public places within the city and by publishing the same in such newspapers published in the city as the board shall direct. P. S. ch. 11, s. 38. St. 1882, ch. 175 P. S. ch. 11, s. 61, 62. Notice of commitment and discount. P. S. ch. 11, s. 65, 66.

COLLECTION OF TAXES.

Discount. Ord. 26, s. 11. Ord. 55.

SECTION 6. On all taxes paid on or before the twentieth day of October of the year in which the assessment thereof is made, a discount of ten per centum shall be allowed; and if any taxes are not paid on or before the first day of November, which is hereby fixed as the day on or before which all taxes shall be paid, the collector shall forthwith issue a summons demanding the payment thereof, which summons shall be forthwith served upon each delinquent by the collector or any constable, marshal Summons. P. S. ch. 12, s. 70. Service of summons.

P. S. ch. 12, s. 36.
Rev. Char. s. 12
5 Allen, 563.

or police officer of the city either personally or by leaving the same at his last and usual place of abode, and twenty cents shall be added to said tax after said summons has issued for the same. And if said tax and twenty cents additional are not paid in fourteen days after the service of said summons, the collector shall forthwith collect the same according to law, adding interest at the rate of seven per centum per annum upon the tax remaining unpaid from and after said first day of November.

7 Gray, 464.
119 Mass. 77.
113 Mass. 40.
P. S. ch. 11, s. 67.

Collector.
Ord. 6, s. 9.
Ord. 7, s. 4.
P. S. ch. 12, s. 70–74.

SECT. 7. The city treasurer shall be the collector of taxes and of all other sums of money due the city the collection whereof is not otherwise specially provided for, and shall annually in the month of January and whenever so required by the city council, report to said council a list of taxes, remaining unpaid and the reasons why the same remain uncollected.

CHAPTER II.

CONCERNING BURIAL GROUNDS.

SECTION.
1. Election of superintendent of burial grounds, and compensation therefor.
2. General duties of.
3. When burials shall take place. Bodies not to be removed without written permit.
4. Superintendent to keep record of burials.
5. Form of deeds of burial lots.
6. Deposits may be made with city treasurer for care of burial lots. The treasurer to issue a certificate of deposit.
7. A separate account to be kept with each deposit and interest allowed thereon.
8. The income of each deposit to be expended in the care and preservation of each lot.
9. Undertakers to be licensed by mayor and aldermen. Other persons forbidden the management of funerals.
10. Notice of death to be given to an undertaker by nearest relative, or person first informed thereof.

Superintendent. Ord. 24, s. 1. Election. P. S. ch. 32. P. S. ch. 82.

SECTION 1. At the commencement of each municipal year and whenever a vacancy occurs, there shall be elected by joint ballot one or more Superintendents of Burial Grounds, who shall hold their office during the pleasure of the City Council and receive such compensation as said Council may determine.

Duties, Ord. 24, s. 2.

SECT. 2. Said Superintendents shall, subject to the general direction and supervision of the Joint Standing Committee on Public Property and Burial Grounds, take charge of the Burial Grounds over which they are respectively appointed, may assign lots not otherwise lawfully appropriated or assigned to persons and families, shall see that the enclosures or fences erected about separate lots conform to the boundaries thereof, shall detect and prosecute persons trespassing upon or desecrating said

P. S. ch. 207, s. 49-51.

P. S. ch. 82, s. 19–21. 13 Al. 546.

grounds or violating any ordinance, order or regulation of the City or of the Board of Health relating thereto, shall have charge of digging graves and interments therein: and shall execute and enforce such orders and directions relating thereto as the City Council may from time to time adopt.

Burials Ord. 24, s. 3. P. S. ch. 82, s. 19.

SECT. 3. All burials shall take place between sunrise and sunset unless otherwise permitted by the Mayor or the Board of Health, and the top of every coffin deposited in the ground shall be at least three feet below the usual surface thereof: and no person shall bury or remove the body of a deceased person in any public burial ground except under the supervision of the Superintendent thereof: and no dead body so buried shall be removed except by a written permit of the City Clerk first obtained, or under the direction of the Committee on Burial Grounds.

Removals. P. S. ch. 32, s. 5

Record of Burials. Ord. 24, s. 4. P. S. ch. 32, s. 4

SECT. 4. Said Superintendents shall keep a record of each burial in their respective grounds, stating the date of death, the name of the deceased, age, former residence and occupation, place of death, disease or cause of death, the specific location of burial and the date thereof.

Deeds of lots. Ord. 24, s. 5.

SECT. 5. The deeds of Lots in the May-Flower Hill Cemetery shall be in the form heretofore in use until otherwise ordered, but the price of Lots unsold may be

varied from time to time as the City Council may determine.

Care of grounds. Ord. 58, s. 1. P. S. ch. 82, s. 17.

SECT. 6. Any person, holding, occupying or interested in any lot in a public burial ground in the City may deposit with the City Treasurer any sum of money not exceeding five hundred dollars, which sum so deposited shall be entered upon the Books of the City Treasurer and forever held as a Fund, the principal whereof shall not be expended, in accordance with the following sections of this chapter, and such laws of this Commonwealth now or hereafter to be enacted relative thereto. The person making such deposit shall at the same time designate in writing the name of the Cemetery in which the lot to be cared for, is located, the number and specific location of such lot, and the name of the person in whom the right or title thereof stands: and the City Treasurer shall deliver to such depositor a certificate of Deposit setting forth the same and the purposes of said Deposit.

Deposit.

Certificate.

Account of deposit. Ord. 58, s. 2.

SECT. 7. A separate account shall be kept with each deposit thus made and upon every such deposit there shall be allowed and paid from the annual interest appropriation, interest at the rate of four per centum per annum, and the City Treasurer shall semi-annually on the last days of May and of November in each year credit each deposit so made with the amount of interest due as above stated.

Use of income. Ord. 58, s. 3.

SECT. 8. The income of each Deposit shall be expended under the direction of the Committee of the City Council having charge of Public Burial Grounds for the time being, in providing for the preservation and care of the lot designated in the Certificate of Deposit, or the appurtenances thereto belonging, as provided in Section Six of this Chapter.

Undertakers. P. S. ch. 32, s. 6 5 Cush., 410. License.

SECT. 9. The Mayor and Aldermen shall annually on or before the first day of July, license a suitable number of undertakers, to take charge of the funeral rites preliminary to the interment of human bodies, and all persons not licensed as undertakers are hereby forbidden to undertake the management of a funeral.

Notice of death.

SECT. 10. Upon the decease of a person within the limits of the City, it shall be the duty of the nearest relative, or of the person in whose house the death may occur, or in default thereof, of any other person who may have first been informed of the event, to cause the same to be made known to some licensed undertaker as soon as practicable.

CHAPTER III.

CONCERNING CLAIMS.

SECTION.
1. A joint committee on claims to be appointed. General powers and duties of. To act in conjunction with the city solicitor.
2. Authorized in certain cases to settle and adjust claims not exceeding three hundred dollars in amount. To report the same to the city council.

Appointment of committee on claims.

SECTION 1. There shall be appointed annually in the month of January a joint standing committee on claims, to consist of the mayor, one alderman and three members of the common council. The members of said committee shall be appointed by that branch of the city council to which they respectively belong, according to the rules and orders thereof. Said committee shall have full power and authority to investigate all claims against the city which may be referred to them, except when otherwise ordered or provided for, and shall, unless the city council otherwise order, adopt such measures, in conjunction with the city solicitor as they deem expedient for the defence of the city in any proceeding at law or equity growing out of such claims.

Powers and duties.

Authorized to settle claims in certain cases.

SECT. 2. Said committee are authorized, with the approval of the city solicitor to settle and adjust any such claim which does not exceed in amount the sum of three hundred dollars, at any time before the return day of a summons duly served upon the city in the matter of

such claim; and shall at the next regular meeting of either branch of the city council report the terms upon which such claim has been adjusted.

CHAPTER IV.

CONCERNING THE DRAW-BRIDGE AT THE WEIR.

SECTION.
1. Fast driving across Weir bridge forbidden.
2. Penalty therefor.
3. Notice at each end of bridge.

Fast driving forbidden.
Ord. 15.
P. S. ch. 53, s. 19.
St. 1882, ch. 108
7 Gray, 457.
3 Al. 407.
119 M. 276.
M. sec. 2.

SECTION 1. No person shall ride or drive any horse or horses on or over the draw-bridge across Taunton Great River at the Weir Village at a rate faster than a walk.

Penalty.
P. S. ch. 53, s. 21.

SECT. 2. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of one dollar for each offence.

Notice of.
P. S. ch. 53, s. 21.

SECT. 3. There shall be kept posted up conspicuously at each end of said bridge a white board containing in black letters the foregoing sections, and the Superintendent of Streets shall see that the provisions of this chapter are enforced.

CHAPTER V.

CONCERNING FINANCE, ACCOUNTS, EXPENDITURES.

SECTION.
1. Appointment of a joint committee, who shall keep a record and report on all matters relating to the finances of the city.
2. Said committee to report in print the various appropriations and means of raising the same.
3. To furnish to the council monthly, a statement of the standing of the various departments.
4. Municipal year. Financial year. Estimate of amount needed for the expenses of the month of December to be reported during the previous November.
5. A detailed report of annual expenses of the city to be made to the city council in the month of December, to be printed.
6. Examination of the accounts of the city treasurer to be made annually.
SECTION.
7. Committee on accounts to be appointed, and general duties of.
8. To allow no bills not properly certified
9. The city clerk to act as clerk of the committee, to examine all bills and see that they are correctly cast, and present the same to the committee; to report all allowances.
10. Treasurer to keep a set of books; to notify city council when appropriations are exhausted; to report when requested.
11. To pay all claims duly allowed and no others; but no payment to be made if the appropriation is exhausted. Certain claims to be paid without the action of the committee.
12. All city officers to make monthly payments to the city treasurer. Disbursements: how made by the treasurer.

COMMITTEE ON FINANCE.

Finance committee. Ord. 7, s. 1.

SECTION 1. There shall be appointed at the commencement of each municipal year a committee on finance consisting of the mayor, one alderman, the president and four members of the common council, which committee shall negotiate all loans to the city authorized by the city council; said committee shall appoint one of their number as the clerk thereof who shall keep a record of all their proceedings in books furnished by the city. The finance committee shall also consider and report to the city council on all matters relating to the finances of the city.

Clerk.

Record.

Report.

Annual estimate. Ord. 7, s. 2.

SECT. 2. The committee on finance shall annually as soon as may be after their appointment prepare and lay before the city council a printed estimate in detail of the amounts necessary to be raised for the current financial year under the various heads of appropriations and the ways and means of raising the same.

Monthly statement.

SECT. 3. The committee on finance shall each month cause to be prepared a statement showing the amount of the various appropriations at that time, the amount expended of each appropriation, and the balances remaining unexpended. The amounts of all audited bills, and of all orders drawn by the mayor for the payment of money, shall be included in such statement, and a copy thereof shall be furnished each member of the city council.

Municipal year Ord. 7, s. 5. Financial year.

SECT. 4. Each municipal year shall commence on the first Monday of January, and each financial year shall commence on the first day of December, and terminate on the thirtieth day of November; and the accounts and books of the city shall be made up to correspond thereto. The finance committee shall annually on or before the second Monday of November prepare and lay before the city counsel an estimate in detail of the amount required for the ensuing December and the ways and means of raising the same.

December estimate.

Annual report. Ord. 7, s. 3.

SECT. 5. The committee on finance shall annually in the month of December prepare and lay before the

city council a particular statement of the receipts and expenditures of the preceding year giving in detail the amount of appropriation and the expenditure in each department, said statement shall be accompanied by a schedule of the property real and personal belonging to the city, with the value thereof, and also a schedule of the city debt, and when approved by the city council shall be published as the council directs.

Ord. 7, s. 4.

SECT. 6. The committee on finance shall annually at the close of the municipal year, and as much oftener as they deem expedient, examine or cause to be examined and audit the accounts of the city treasurer and collector for the preceding financial year, the accounts of the municipal and water loan sinking funds, and the trust funds of the city; and for that purpose shall have access to all books and vouchers in his possession or in that of any other officer in the city: they shall compare said accounts with the vouchers therefor and shall ascertain whether all moneys due the city have been collected and accounted for, and if not the reasons therefor; they shall also examine all notes and securities belonging to the city in the hands of the treasurer or other officers of the city, and shall furnish an exhibit of loans or debts due from the city bearing interest, and the times when payable, and a statement of the ordinary and extraordinary expenditures of the year exhibiting the increase or decrease upon the expenditures of the preceding year, and shall make full report thereof to the city council.

Auditing treasurer's accounts.

ACCOUNTS.

Committee on accounts. Ord. 7, s. 6.

SECTION 7. There shall be annually appointed a joint standing committee on accounts, to consist of two aldermen and three members of the common council; said committee shall meet at the city hall at least once in every month and whenever they deem expedient, to audit, examine and decide upon all accounts and claims against the city laid before them, and duly certified according to the succeeding section: and if the same be found correct and justly due, they shall approve and allow the same in writing and certify thereon from what fund or appropriation they shall be paid; and all accounts and claims so approved and allowed shall be forthwith entered in the office of the city clerk.

Certifying bills Ord. 7, s. 7, 9.

SECT. 8. No account or claim against the city other than judgments against the city, or interest or principal due on a note or bond of the city, shall be received or acted upon by said committee unless accompanied by a certificate of the officer, committee or agent duly authorized on behalf of the city, to make the contract or cause the expenditures to be made, stating that the same is correct.

Clerk of committee. Ord. 7, s. 8.

Duties.

SECT. 9. The city clerk shall be the clerk of the committee on accounts and shall receive all accounts and claims against the city, shall carefully examine the same,

see that they are correctly cast, and present the same neatly folded, filed and labeled to the committee on accounts for examination. He shall under the direction of the committee on accounts keep a book wherein he shall enter the account or claim allowed, the name of the person to whom allowed, the date of the allowance, and the fund or appropriation from which the same is payable; after which he shall forthwith transmit the same to the city treasurer for payment; and said committee shall when requested by the city council or either branch thereof report the whole amount of accounts and claims so allowed.

Report.

CITY TREASURER.

SECTION. 10. The city treasurer shall keep in a neat and methodical style and manner a complete set of books, under the directions of the committee on accounts, wherein shall be entered the various appropriations made by the city council, each under its appropriate head, and charge to each the different payments and expenditures made thereon, and whenever any specific appropriation is expended, he shall forthwith notify the mayor, the city council and the committee on accounts. He shall whenever required by the city council, furnish a statement of the condition of the treasury and such matters in relation thereto as may be specially ordered.

Treasurer's accounts. Ord. 7, s. 10.

Expenditure of appropriations.

Report.

SECT. 11. The city treasurer is hereby authorized to

Payment of bills.

Ord. 7, s. 9. pay all accounts and claims allowed and approved by the committee on accounts, and shall pay no account or claim not so allowed, nor shall he make any payment on account of any department beyond the sum appropriated by the city council for that department, provided, however that upon the order of the mayor, any claim which has been settled and adjusted by the committee on claims under any ordinance prescribing the powers and duties of said committee on claims or under any special order of the city council with reference thereto, Ord. 7, s. 7. or any claim for the satisfaction of a judgment rendered against the city may be paid without the action of the committee on accounts.

Collections by treasurer. Ord. 7, s. 11. SECT. 12. All officers of the city who receive in their official capacity any money on account of the city, shall pay the same to the city treasurer, once in each month and oftener, if so required by him. All other persons who have in their hands any money belonging to the city shall forthwith pay the same to the city treasurer: and it shall be the duty of the treasurer to promptly collect all sums due the city from such officers and other persons.

Disbursements The city treasurer shall not pay out or disburse any money belonging to the city, or held by him in his official capacity, except in accordance with the provisions of these ordinances, unless expressly required so to do by the law of the Commonwealth, or by some other ordinance, resolution or order of the city council.

CHAPTER VI.

CONCERNING THE FIRE DEPARTMENT AND FIRES.

SECTION.
1. A committee on fire department to be appointed.
2. Of whom the fire department shall consist.
3. Chief engineer and four assistants to be elected, and compensation to be determined. Removals from office: how effected.
4. Form of engineer's certificate of office.
5. Organization of board of engineers; may appoint a secretary; make rules and regulations; general duties of; assistants to report to the chief; the chief to report annually to the city council.
6. Duties of engineers at fires.
7. Duties of chief engineer enumerated in detail.
8. Engineer in charge at the engine house; his duties.
9. Dancing at city engine house. The hall may be used for a ward room.
10. Companies; members of, how appointed and removed; age of members.
11. Composition of hand engine companies.
12. Duties of foremen.
13. Other officers of hand engine companies.
14. Duties of foremen at fires.
15. Badges of engineers and firemen to be worn at fires.
16. The chief to make report of firemen disabled.
17. Neglect of duty to be reported; penalty.
18. Prosecution for giving false alarms.
19. Firemen who remove from the city to be discharged.
20. Engineers and firemen not to leave the city, except; may parade for exercise, etc.
21. Engineers may order buildings pulled down to prevent the spreading of the fire.
22. Members of fire department exempt from jury service.
23. The fire limits defined.
24. The moving, repairing and erection of wooden buildings within the fire limits prohibited, without the consent of the mayor and aldermen.
25. Engineers to examine buildings where combustibles are kept.
26. Use of engine houses on the Lord's day; no liquors to be carried into; nor gambling allowed therein.
27. Vacancies in companies: how filled.
28. General care of fire alarm telegraph and appurtenances.
29. Supt. of fire alarm: how elected.
30. Duties of.
31. Persons wilfully injuring the fire alarm telegraph to be prosecuted.
32. Penalty for violations of this chapter.

Committee on fire department. Ord. 41, s. 1. Rev. Ch. s. 15.

SECTION 1. There shall be appointed at the commencement of each municipal year, a committee on fire department consisting of two aldermen and three members of the common council.

FIRE DEPARTMENT.

Composition of fire department. Ord. 44, s. 1.

SECTION 2. The fire department shall consist of a chief engineer, four assistant engineers and of as many engineers of steamers, foremen, enginemen, hosemen, and hook-and-ladder men, to be divided into companies as the number of engines and the quantity of other fire apparatus belonging to the city, shall from time to time require.

Board of fire engineers. Ord. 44, s. 2.

SECT. 3. There shall be chosen annually by the city council by ballot in convention, in the month of January, or as soon after as may be, a chief engineer and four assistant engineers whose respective rank shall be then designated, and who shall hold their offices for one year, and until others are chosen in their places. Vacancies may be filled in like manner. The engineers and other officers and members shall receive such compensation as the city council determine.

Removal from office. Ord. 20, s. 3.

SECT. 3. The city council may, by a concurrent vote at any time, remove from office the chief engineer or any assistant engineer; and the mayor and aldermen may at any time discharge any and all of the officers or members of either of said companies.

Discharge.

Form of engineer's certificate. Ord. 20, s. 4.

SECT. 4. Each engineer shall upon his election receive a certificate in the following form:

CITY OF TAUNTON.

This certifies that ——— ——— is appointed engineer [or chief engineer] of the fire department of the city of Taunton and is invested with all the powers belonging to said office.

Given under my hand this —— day of —— A. D. 188—.

——— ——— *Mayor.*

——— ——— *City Clerk.*

Organization of board of engineers. Ord. 20, s. 5. P. S. ch. 35, s. 34. Rev. Ch. s. 15. 104 Mass. 87

SECT. 5. The engineers so chosen shall meet and organize themselves into a board of engineers, a majority of whom shall form a quorum, and of which the chief engineer or in his absence the engineer next in rank present shall be the presiding officer; they may appoint a secretary and such other officers, and make such rules and regulations for their own government, as they may see fit; and the secretary shall receive such compensation as the city council shall determine; they shall be responsible for the discipline, good order and proper conduct of the whole department both officers and men, for the care of all houses, reservoirs, engines, wells, hose carriages and other furniture and apparatus thereto belonging; they shall have the superintendence and control of all engine houses and other buildings used for the purposes of the fire department, and of all furniture and apparatus thereto belonging, and of the engines and all other fire apparatus belonging to the city, and over the officers and members of the several companies attached to the fire department, and over all persons present at fires; and they may make such rules and regulations for the better

Secretary.

Duties of board.

Rules, &c.

government, discipline, and good order of the department, and for the extinguishment of fires, as they may deem expedient, the same not being repugnant to the laws of the Commonwealth, or to any ordinance of the city; but such rules and regulations shall be approved by the city council before taking effect as such. The assistant engineers shall report to the chief engineer whenever absent from a fire and the reasons therefor; and the chief engineer shall keep a record of the same and make a report thereof annually to the city council.

Assistants to report to chief.

Duties of engineers. Ord. 20, s. 6.

Rev. Ch. s. 15. P. S. ch. 35, s. 3

SECT. 6. It shall be the duty of said engineers whenever a fire breaks out in the city, forthwith to repair to the place of such fire wearing the badges of their office; to take proper measures that the several engines and other apparatus are arranged in the most advantageous situations, and worked for the most effectual extinguishment of the fire; to require and compel the assistance of all persons though not members of the fire department, in extinguishing the fires, removing furniture, goods or other merchandise from any building on fire, or in any danger thereof, and in guarding and securing the same; and also in pulling down and demolishing any house or building if occasion requires, and in suppressing all tumults and disorders at fires; they shall also cause order to be preserved in going to, working at, or returning from fires, and whenever any of the department are on duty.

SECT. 7. The chief engineer shall have the sole command at fires over all other engineers, all members of the fire department, and all other persons present at fires, and shall direct all proper measures for the extinguishment of fires, the protection of property and preservation of order thereat, and the observance of laws, ordinances and regulations respecting fires; and in his absence, the engineer next in rank who is present shall execute the duties of his office with full powers of chief engineer; and the officer in command of the company which first arrives at a fire, shall be the officer in command with like powers, until one of the board of engineers is present. The chief engineer shall be responsible in the first instance for the condition of the engines, reservoirs, and all other fire apparatus, the engine houses and other buildings used by the fire department, and of the companies connected with the fire department, and shall make full report thereof annually to the city council, and at such other times as the city council may order, with such recommendations in reference thereto as may in his judgment tend to the efficiency of said department, and he shall provide for all necessary repairs or alterations of the engines or other apparatus or equipments, as may be required, under the supervision of the committee on the fire department, but he shall not expend in any single instance any sum above one hundred dollars, without the order of the city council; he shall in his annual report, and at such other times as the city council may order,

Duties of chief engineer. Ord. 20, s. 8.

Ord. 20, s. 9.

Reports.

Repairs.

Limitation. P. S. ch. 35, s. 34.

transmit all returns made by the respective companies as herein required; he shall keep exact rolls of the respective companies, specifying the date of the admission and discharge and the age of each member; he shall keep a full record of all fires happening during the year in the city with the probable or known cause thereof and the number of fires and description of buildings destroyed or injured thereby, with the names of the owners or occupants and the amount of loss or damage thereby and of insurance thereon. He shall have the general control of the engine houses and all property therein relating to the fire department. He shall appoint the engineer in charge thereof, subject to the approval of the board of aldermen, and shall for cause remove said engineer subject to approval of said board of aldermen. The city horses when required for use in the fire department shall be under his sole control and direction, and he shall appoint the drivers thereof with the approval of the committee on fire department, and he may make all rules and regulations for the horses and drivers thereof as he may deem expedient, subject to the approval of the standing committees on fire department and on streets. He shall have the charge and care of all horses used by the fire department when not in the service thereof excepting those kept at the city stables on Leonard street, and he may within such prescribed limits as the committee on fire department approves, let such horses under his charge to the superintendent of streets. The cost of

Record.

P. S. ch. 35 s. 10.

Control of property.

Appointing power.
Ord. 33, s. 2.

City horses.
Ord. 59, s. 1.
Ord. 33, s. 2.
Ord. 59, s. 3.

Rules for driving.

Ord. 59, s. 1.

Letting of horses.
Ord. 59, s. 2.

such horses, the expense of keeping including harnesses and other like equipments, and the compensation of the drivers, shall be paid from the appropriation for the fire department, and a just charge on account of the letting thereof shall be credited to said fire department from the appropriation of highways; the compensation of such drivers shall be fixed by the committee on fire department subject to the approval of the city council, and the chief engineer shall discharge such drivers from service in the department when unfit in his judgment for service therein.

Expenses, how accounted for.

Compensation of drivers. Ord. 59, s. 4.

Discharge of drivers. Ord. 59, s. 3.

SECT. 8. The engineer in charge of the engine house on Leonard street, shall occupy apartments therein, day and night, and devote his whole time to the duties of the fire department. He shall under the direction of the chief engineer, make all needful repairs upon the engines and other equipments in his keeping, so far as can be done with the tools and machinery at his command, and preserve all the property in his care in its most effective condition, and ready at all times for immediate use; he shall also act as engineer of such steam fire engine as the chief engineer shall designate, and in case of necessary absence from duty he shall provide a substitute, approved by the chief engineer.

Engineer in charge. Ord. 33, s. 2, 3.

Duties.

SECT. 9. Dancing shall not be allowed in the city engine house hall on Leonard street except by special

Dancing prohibited. Ord. 33, s. 7.

permission of the board of engineers; but said hall may be used as a ward room and for such other purposes as the committee on public property may determine.

Composition of companies. Ord. 20, s. 10. Ord. 22, s. 1. Appointment and removal of members.

Limitation of age.

SECT. 10. Each steam fire engine and hook and ladder company shall consist of twelve men including the foreman and engineer. The appointment and removal of the officers and members of such companies shall be made by the chief engineer subject to the approval of the mayor and aldermen; but no person under eighteen years of age shall be a member of the fire department and not more than one half of any company shall be under twenty-one years of age.

Composition of hand engine company. Ord. 20, s. 11. Officers: how chosen.

Removal.

SECT. 11. Every hand engine company shall have a foreman, a first and second assistant foremen, a clerk and steward, and may have a treasurer. They shall be chosen annually by the members subject to the approval of the board of engineers and shall hold their places until removed or others are chosen in their stead.

Foremen's duties. Ord. 20, s. 13.

SECT. 12. The foremen shall see that the several engines and apparatus committed to their care, and the several buildings in which the same are deposited and all things appertaining thereto, are neatly kept, and are fully efficient for immediate use. They shall preserve and enforce order and discipline at all times in their respective companies, and a strict compliance with the

ordinances of the city and the rules and regulations of the department and of the board of engineers. They shall keep or cause to be kept fair and exact rolls of members specifying the date of admission and discharge and the age of each member and also a record of all city property in the care of the several members and of all absences or neglect of service among the same in books to be provided by the city, which shall always be open to inspection and subject to the order of the board of engineers, and the mayor and aldermen. They shall also make or cause to be made to the chief engineer, a full return of all the members of their respective companies, with their ages and an accurate schedule of all property intrusted to their care, whenever called upon therefor.

Rolls of members.

Recor of property.

Report.

SECT. 13. Every hand engine company shall have two or more suction hosemen and three or more leading hosemen to be appointed by the foreman of such company, and they shall hold their offices twelve months unless sooner removed by said foreman.

Other officers. Ord. 20, s. 16.

SECT. 14. The foreman of each company shall forthwith, upon arriving at a fire, report to the chief officer there in command, and shall direct the operations of his company and machine under the orders of said chief officer. If absent, the assistant next in rank shall have like powers and duties.

Duties of foremen at fires. Ord. 20, s. 15.

Engineers at fires.
Ord. 20, s. 17, 27

Badges.

SECT 15. At fires the members of the board of engineers shall wear such badges as the mayor and aldermen shall direct, and all other members of the department shall wear such badges as the board of engineers shall prescribe, all such badges to be furnished at the city's charge; no person without such badge shall enter within the lines formed at a fire without permission of the officer in command thereat, and no person not a member of the department shall wear such badges as may be so prescribed.

Disabled firemen.
Ord. 20, s. 12.
Rev. Ch. s. 15

Report thereon

SECT. 16. When any officer or member of the fire department sustains corporal injury or contracts disease in the discharge of his duty, the chief engineer shall report the same with all the facts relating thereto to the city council.

Failure of duty
Ord. 20, s. 18, 19

Penalty.

Report.

SECT. 17. Any officer or member who shall neglect or refuse to perform his duty, or who shall be guilty of any disorderly conduct or disobedience to his superiors in office, may be suspended or expelled from the department by the board of engineers, and the chief engineer shall forthwith report the action of the board thereon to the mayor and aldermen, and such action shall be final, unless reversed or revised by the mayor and aldermen within thirty days thereafter.

Prosecution for false alarm.

SECT. 18. The chief engineer shall cause to be prose-

cuted any person, who without reasonable cause, makes or causes to be made a false alarm of fire, and shall see that the statutes relating thereto are enforced. P. S. ch. 206, s. 13.

SECT. 19. The officers or members of the fire department shall be residents of the city of Taunton and when any officer or member shall remove from the city he shall be discharged from the department by the board of engineers. Residence in city required.

SECT. 20. In case of fire in neighboring cities or towns no member of the board of engineers and no company shall leave the city with or without their apparatus except by order and direction of the chief engineer, and such order shall not be given except in case of great emergency on the request of the chief engineer of said city or town. The several companies of the department shall parade for exercise and inspection at such times and places and in such manner as the chief engineer shall direct, but no company shall leave the city with or without their apparatus on excursions or other public occasions, except to attend a fire in emergency, unless by previous permission of the mayor and aldermen with the concurrence of the board of engineers, and for such time only as said boards may direct. Fires in neighboring towns and cities. Ord. 20, s. 7.

Parades.

SECT. 21. Whenever at any fire it shall be adjudged by any three or more of the board of engineers of whom Pulling down buildings. Ord. 20, s. 27.

Rev. Ch. s. 15. P. S. ch. 35, s. 3

the chief engineer in command thereat shall be one, to be necessary to pull down or demolish any building or structure, in order to prevent the spreading of the fire, the same may be done by their joint order.

Exempt from jury service. Ord. 20, s. 29.

SECT. 22. All members of the fire department shall be exempt from serving as jurors.

Fire limits. P. S. ch. 104, s. 1 123 M. 372. Ord. 52, s. 1, 2.

SECT. 23. For the purpose of securing the city from damage by fire certain fire limits are hereby established, the boundaries of which are as follows, to wit:

Beginning at the northwest corner of Spring and Summer streets, thence by Spring street to Mill River so called, thence by the northerly bank of said river to Washington street, thence by the easterly line of said Washington street to Pleasant street, thence by the northerly line of Pleasant street to Broadway, thence in a straight line to the northeasterly corner of School and Fruit streets, thence by the northerly line of Fruit street to Union street, thence by the easterly line of Union street to Main street, thence by a straight line from Main street to the first named corner of Spring and Summer streets. Within the territory included within the foregoing lines no wooden building shall be erected without the consent of the mayor and aldermen.

Removal of buildings therein. Ord. 52, s. 3.

SECT. 24. No person shall move or cause to be moved from without said limits any wooden building into the

same without the consent of the mayor and aldermen. No person shall move or cause to be moved from one place to another within said fire limits any wooden building, nor shall any person repair or rebuild any building within said fire limits which has been partially destroyed by fire, or otherwise, without the consent of the mayor and aldermen.

Control over combustibles. Ord. 20, s. 23.

SECT. 25. The board of engineers shall examine all buildings or places where shavings or other combustible materials may be collected or deposited, and whenever in the opinion of any two of said board the same is dangerous from liability to fires, they may order the owner, tenant or occupant thereof to remove the same, and in case of neglect or refusal so to do, they may cause the same to be removed at the expense of the tenant or occupant who shall be further liable to a penalty not exceeding twenty dollars for such neglect or refusal, and any person obstructing the members of the board or any of them, or their agents in carrying out the provisions of this section shall be liable to the same penalty. The board of engineers shall be vigilant in the enforcement of all laws and ordinances for the prevention of fires, and shall cause prosecutions to be instituted for any violation thereof.

Penalty for obstructing.

Use of houses. Ord. 20, s. 26, 28

SECT. 26. The houses occupied by the several companies shall be for the use of the members thereof, and

congregating about the doors and upon the sidewalks in front of said houses, except in the line of the duties of the department, and especially upon the Lord's day in the houses is strictly prohibited. No intoxicating liquors shall be carried into or kept or used in said houses and no gambling shall be allowed therein.

Vacancies: how filled. Ord. 20, s. 25.

SECT. 27. In case of any vacancy in any company the same may be filled for the remainder of the year as provided for appointments in the tenth section of this chapter.

FIRE ALARM TELEGRAPH.

General care in committee on fire department. Ord. 41, s. 2.

SECTION 28. The committee on fire department shall have the supervision and general care of the rooms, apparatus and machinery connected with the fire alarm telegraph, shall establish rules and directions for the use of the same, shall locate the signal boxes and provide for the custody of the keys thereof and shall have the general charge of said telegraph, subject to any special order of the city council.

Superintendent: how elected. Ord. 41, s. 3.

SECT. 29. There shall be elected annually and whenever a vacancy occurs by the concurrent vote of the city council by ballot a superintendent of the fire alarm telegraph, who shall hold his office at the pleasure of the city council, and shall receive such salary as the city council may determine.

SECT. 30. The superintendent shall have the full charge of the fire alarm telegraph under the direction of the committee on fire department; he shall keep it in good repair and in constant working order, and shall be held responsible for its efficiency at all times. Duties. Ord. 41, s. 4.

SECT. 31. No one shall wilfully deface, injure or destroy the fire alarm telegraph, or any part thereof, or any of the appurtenances belonging thereto, nor in any way disturb the use or operation thereof, nor open any alarm box connected therewith, except by the authority of or with the keys furnished by the board of engineers or the committee on fire department, and the chief engineer of the department shall forthwith cause prosecution to be instituted against any person violating this section. Injuries to telegraph forbidden. Ord. 37, s. 1. Ord. 37, s. 2. Ord. 37, s. 3.

SECT. 32. The violation of any provision of this chapter shall be punished by a fine not exceeding twenty dollars for each offence, except when otherwise specifically provided; and all fines, forfeitures and penalties recovered for any violation thereof, or for the violation of any statute of this Commonwealth relating to fires, shall, unless special provision is otherwise made, be paid into the treasury of the city. Penalties. Ord. 20, s. 30. Ord. 37, s. 1, 2. Fines: how dealt with. Ord. 20, s. 24.

CHAPTER VII.

FIREWORKS AND OTHER EXPLOSIVES.

SECTION.
1. Sale of fireworks, etc. without license, prohibited.
2. Toy pistols, toy cannons, etc., not to be sold or used.
3. Firing guns and pistols in public places not allowed.
4. Relating to transportation of gunpowder.
5. Regulating the keeping and sale of gunpowder.
6. Relating to keeping other explosive compounds.
7. Storage and sale of explosive compounds prohibited without license.
8. The fire engineers may examine places where gunpowder, etc. is kept, and in case of fire cause the same to be removed or destroyed.
9. Penalty for violations.

Sale of fireworks.
P. S. ch. 102, s. 54, 55.
Ord. 35, s. 1.

SECTION 1. No person shall within the limits of the city of Taunton set fire to, or have in his possession with intent to set fire to, any squib, torpedo, rocket, cracker, serpent, or any other firework composed wholly or in part of gunpowder, fulminating powder, spirits of turpentine, gun cotton or other combustible matter, nor throw any such lighted fireworks; nor sell, offer for sale, give away, or have in his possession with intent to sell the same, without license from the mayor and aldermen first obtained therefor.

Sale of toy pistols, etc.
St. 1882, ch. 272

SECT. 2. No person shall within the limits of the city of Taunton sell or offer for sale or have in his possession with intent to sell any toy pistol, toy cannon or any other toy in which explosive compounds are used or of which such compounds form a part, without license from the mayor and aldermen first obtained therefor; and no person shall in any public street, common or public place,

or within any grounds or buildings belonging to or in the use of the city of Taunton, use, discharge or set fire to any toy pistol, toy cannon or any other toy above enumerated.

Firing of guns. Ord. 35, s. 2.

SECT. 3. No person, except in the performance of some lawful duty shall discharge any gun, cannon, field-piece, pistol or other firearm in or upon any street, common or public place in the city, without license from the mayor and aldermen.

Transportation of gunpowder.

SECT. 4. No gunpowder above the quantity of one hundred pounds shall be transported through the city unless the same is enclosed in tight casks, boxes or canisters so as to wholly prevent any escape therefrom, and conveyed in closely covered vehicles so covered on the bottom and sides as to prevent all friction, jarring or collision of said casks, boxes or canisters, and no vehicle containing gunpowder in the process of transportation as aforesaid shall remain in the city over night in any street, stable or other building, nor shall any vehicle containing gunpowder in the process of transportation be driven through the thickly settled portion of the city or on any streets or squares where the tracks of any horse or steam railroad are laid, at a rate faster than four miles per hour. Every vehicle used in transporting gunpowder and in the process thereof within the limits of the city, shall at all times be subject to the inspection of the mayor or any

member of the police or of the board of engineers; but this provision shall not apply to any person on military duty in the public service of the United States or of this state.

Keeping of gunpowder. Ord. 35, s. 3. P. S. ch. 102, s. 56.

SECT. 5. No gunpowder shall be kept in any place within the limits of the city of Taunton unless it is well secured in tight casks or canisters; no gunpowder above the quantity of fifty pounds shall be kept or deposited in any shop, store or other building or in any vessel which is within the distance of twenty-five rods from another building or from a wharf; no gunpowder above the quantity of twenty-five pounds shall be kept or deposited in a shop, store or other building within ten rods of any other building; no gunpowder above the quantity of one pound shall be kept or deposited in any shop, store or other building within ten rods of any other building unless it is well secured in copper, tin or brass canisters holding not exceeding five pounds each and closely covered with copper, brass or tin covers; and no gunpowder shall be weighed within the limits of the city at any time except by daylight; but the provisions of this section and section one of this chapter shall not extend to a manufactory of gunpowder nor prevent the transportation of gunpowder through the city or from one part thereof to another.

P. S. ch. 102, s. 57.

Keeping of other explosive compounds.

SECT. 6. No gun cotton or other explosive compound,

gunpowder excepted, above the quantity of one-fifth of a pound shall be kept, stored or held in any building, place, vehicle or vessel within one rod of any dwelling house within the limits of the city, by any person except on military duty in the public service of the United States or of this state, without the license of the mayor and aldermen first obtained therefor; and all gun cotton or other explosive compound aforesaid so kept, stored or held within said city shall be well secured in copper, brass or tin vessels closely covered with copper, brass or tin covers.

Ord. 35, s. 4. P. S. ch. 102, s. 59–68.

SECT. 7. No person shall sell or keep for sale gun cotton or other explosive compounds, gunpowder excepted, within the limits of the city without being licensed therefor by the mayor and aldermen, upon the recommendation of the chief engineer of the fire department.

License of explosive compounds. Ord. 35, s. 5, 6. P. S. ch. 102, s. 59–68.

SECT. 8. Any member of the board of fire engineers may enter the store or premises of any person licensed under the provisions of this chapter, or who keeps or has in his possession gunpowder or other explosive compounds under the provisions of sections five, six and seven of this chapter, to examine and ascertain if the laws, ordinances and regulations relating thereto are strictly observed, and upon an alarm of fire may cause gunpowder, gun cotton, or any other explosive compound deposited in a building on fire or any building adjoining thereto, to be removed or destroyed as the case may require.

Supervision of fire engineers. Ord. 35, s. 7.

Penalties. Ord. 35, s. 8. P. S. ch. 102, s. 54, 55.

SECT. 9. Whoever violates either of the first two sections of this chapter shall for each offence be punished by a fine not exceeding ten dollars, and whoever violates any other provision of this chapter shall for each offence be punished by a fine not exceeding twenty dollars.

CHAPTER VIII.

CONCERNING PUBLIC HEALTH.

SECTION.
1. Board of health to be appointed by the mayor and aldermen; may be removed for cause by the mayor.
2. If no agent is appointed, the city marshal to act; duties of agent.
3. The board may cause tenements unfit for occupancy to be vacated.
4. Suitable drains, vaults, privies may be required to be built.
5. Vaults and privies: how constructed and cleaned out.
6. Vaults and privies: when to be opened and cleaned, and how the contents shall be removed.
7. Owners of vacant lots which have become a nuisance to abate the same.
8. Throwing refuse or dead animals into streets, sewers, or any pond or river forbidden.
9. Penalty for violation of this chapter.
10. City physician: how appointed, removed, and compensation; *ex officio* a member of the board of health.
11. General duties of city physician.

Appointment of board. Rev. Char. s. 14 P. S. ch. 80, s. 8

SECTION 1. The mayor and aldermen shall appoint a board of health as provided in the eighth section of chapter eighty of the public statutes, and thereafter annually in the month of January they shall appoint one person to be a member of the board of health for the term of two years from the first Monday in February next succeeding; and whenever a vacancy shall occur in said board it shall forthwith be filled for the unexpired term by the mayor with the approval of the aldermen. Each member of said

board shall be subject to removal by the mayor for cause, and shall receive such compensation as the city council may from time to time determine. Removal.

Agents of board. Ord. 13, s. 2. P. S. ch. 80, s. 10. City marshal.

SECT. 2. In default of an appointment of an agent or agents by the board of health, and in any case whenever requested by said board, the city marshal and his assistants shall carry into execution all rules and regulations made by the board of health and all ordinances of the city respecting nuisances, sources of filth, and causes of sickness within the city, and respecting articles containing or conveying infection or contagion or of creating sickness brought into the city, and shall immediately report thereon to the board of health and shall, under the direction of said board, cause all such nuisances, sources of filth and causes of sickness to be forthwith abated.

Supervision of tenements. Ord. 13, s. 3. P. S. ch. 80, s. 24.

SECT. 3. Whenever the board of health is satisfied on due examination that a cellar, tenement or building within the city occupied as a dwelling house has become, by reason of the number of occupants, want of cleanliness or other cause, unfit for such purpose, the board may require and cause the occupants thereof to be removed therefrom, first giving them forty-eight hours' notice in writing to remove.

Drains, etc. Ord. 13, s. 4. P. S. ch. 80, s. 24.

SECT. 4. Whenever any dwelling house is not furnished with a sufficient drain, privy or vault, the board

of health shall in writing notify the owner thereof or his agent or tenant to construct a suitable drain, privy or vault within such time as they may specify. If such notice is not complied with, the board of health shall cause a sufficient drain, privy or vault to be constructed, and the expense thereof shall be charged to the owner. If the owner or agent is unknown, the above notice may be given by posting the same on the premises, such time as the board may order.

Vaults: construction. Ord. 13, s. 5. P. S. ch. 80, s. 21.

SECT. 5. Every vault or privy shall be hereafter so constructed that the inside thereof shall be at least three feet from the line of every adjoining lot and from every street, lane, passage-way or public place; and whenever any privy or vault becomes offensive the same shall forthwith be cleaned. If the owner or tenant thereof does not so do within twenty-four hours after notice thereof in writing duly served upon him, the board of health may cause the same to be cleaned, repaired, altered or removed, and the expense thereof shall be charged to the owner, his agent or tenant occupying the premises.

Cleaning of. P. S. ch. 80, s. 23

When cleaned. Ord. 13, s. 6.

SECT. 6. No privy or vault shall be opened to be cleaned between the fifteenth day of May and the fifteenth day of October in each year, unless the board of health shall so order or permit; and no person shall remove the contents of any vault or privy through any street or public way except in a water-tight cart or wagon, nor

between the hours of four in the morning and ten in the evening, without permission from the board of health.

Vacant lots; nuisance. Ord. 13, s. 7. P. S. ch. 80, s. 28–33.

SECT. 7. When any lot or vacant land within the city becomes a nuisance or dangerous to the public health, the board of health, upon petition therefor and examination thereof, after due notice to all parties interested and hearing thereon, may cause said nuisance to be abated, and if the owner, agent or occupant thereof so notified neglects to comply with the order of the board of health with reference thereto, the board of health or their agents may enter upon said lot or land and do such acts and things as may be necessary for the abatement of the nuisance thereon; and said board shall estimate and determine the damages, expense and benefits accruing from such abatement and what sums shall be assessed to the several persons benefited thereby, and the board shall duly make return to the city clerk of their doings in the premises.

Refuse. Ord. 13, s. 8.

SECT. 8. No person shall cast any decayed vegetable or dead animal substance into any street, lane, passageway, cesspool, or sewer, nor into any well, cistern, reservoir, pond or waters within the city, nor drown, or cause to be drowned, any animal in any of said waters.

Penalty. Ord. 13, s. 9. G. S. ch. 80, s. 16, 81.

SECT. 9. Any person violating any provision of this chapter or any regulation established by the board of

P. S. ch 28, s. 26
P. S. ch. 217, s. 2

health, shall for each offence be punished by a fine not exceeding twenty dollars.

CITY PHYSICIAN.

Appointment.
Ord. 17, s. 1.
P. S. ch. 80, s. 8, 15.

SECTION 10. The mayor with the approval of the board of aldermen shall appoint a city physician for a term of three years, who shall be a resident of Taunton and shall be subject to removal for cause by the same authority; and any vacancy in the office shall be filled in like manner. The city physician shall be *ex officio* a member of the board of health, and shall receive such

Compensation.

compensation as the city council may from time to time determine, the same to be in full for all services performed and medicine furnished or administered in his department.

Duties.
Ord. 17, s. 2.

SECT. 11. The city physician shall attend, under the directions of the overseers of the poor, upon all sick paupers, whether state or city, and upon all sick persons under the care of the city authorities at the almshouse or elsewhere in the city, and at the request of the city marshal, upon all prisoners in the city lockup who require medical or surgical treatment. He shall vaccinate all scholars in the public schools sent to him for that purpose by the school committee or superintendent of schools, and

Report.

give them a certificate thereof. He shall annually report to the city council in the month of January a list of deaths in his department during the previous year, while

under his charge, stating the age, sex, civil condition (whether alien or not) and disease of the deceased person, and also the time and cause of his death; and shall at all times give the board of health, overseers of the poor and city council such professional services as may be reasonably required of him, and such as they may by any regulation, order or ordinance direct.

CHAPTER IX.

CONCERNING HACKS, JOB WAGONS AND OTHER VEHICLES.

SECTION.
1. What shall be deemed a hackney carriage.
2. Shall be licensed by board of aldermen.
3. Licenses may be granted and revoked. A record thereof to be kept.
4. Fees for licenses; to expire May 1st.
5. Person licensed to be deemed the owner of the carriage.
6. Licensed number to be on the carriage, and name of owner and rates of fare to be placed inside.
7. Bond required for safe conveyance of passengers and baggage.
8. Aldermen may establish rates of fare.
9. The city marshal to assign stands for hacks and job wagons.
10. Penalty for violation of this chapter.

P. S. 28, s. 25. Hackney carriages defined.

SECTION. 1. Every coach or other vehicle, whether on wheels or runners, except street cars, drawn by one or more horses, or other animal power, which shall be used in the city of Taunton for the conveyance of persons for hire from place to place within said city, shall be deemed a hackney carriage within the meaning of this chapter.

Must be licensed.
2 Cush. 562.
114 M. 328.
P. S. ch. 53, s. 15
98 M. 1.
122 M. 60.

SECT. 2. No person shall set up, use or drive in the city of Taunton any hackney carriage for the conveyance of persons for hire from place to place within said city, without a license for such carriage from the board of aldermen under a penalty not exceeding twenty dollars every time such carriage is so used.

Board of aldermen to grant licenses.

SECT. 3. The board of aldermen may from time to time grant licenses to such persons and upon such terms as they may deem expedient, to set up, use or drive hackney carriages for the conveyance of persons for hire from place to place within the city, and may establish the fare therefor, and they may revoke such licenses at their discretion. A record of all licenses so granted shall be kept by the city clerk.

License fee.

SECT. 4. For every license so granted there shall be paid to the city clerk, for the use of the city, the sum of one dollar. Provided however that any owner of a hackney carriage who is licensed to set up or use more than one such carriage, shall pay one dollar for the first, and fifty cents for each anditional vehicle so licensed; and all license granted as aforesaid shall expire on the first day of May next after the date thereof.

Person licensed held as owner.

SECT. 5. The person in whose name a license is taken out for a hackney carriage shall, for all the purposes of this chapter, be considered as the owner of the

same, and liable to all forfeitures and penalties herein contained; unless, upon the sale of the said carriage, notice thereof be given to the city clerk, and the license delivered to him.

Posting notice of license, number, and rates of fare.

SECT. 6. Every carriage licensed as aforesaid shall be conspicuously marked with the license number in figures not less than one and a half inches long; and the name of the owner and driver and the number of the carriage, together with the established rates of fare if any, shall be conspicuously posted on a card in every such licensed carriage.

Bonds.

SECT. 7. Every person licensed subject to the foregoing regulations, shall give bonds with sufficient surety or sureties to be approved by the mayor and Aldermen, or some person by them authorized thereto in such sum as they may order, conditioned for the safe conveyance of passengers and their baggage.

Fares.

SECT. 8. The board of aldermen may establish fares for the conveyance of passengers and their baggage in any hackney carriage licensed as aforesaid and may revise and change the same at pleasure.

Marshal to assign stands.

SECT. 9. The city marshal under the direction of the mayor and aldermen shall have authority to assign stands for hack, job wagons, carts, sleds and other vehicles

used for hire at such places upon the streets, squares and other public places in the city as will not unreasonably interfere with the convenience of the public.

No person owning or having the care of any such vehicles shall allow them to stand while awaiting employment at any other places excepting those assigned as herein provided.

Penalty.

SECT. 10. Any person violating the foregoing provisions shall forfeit and pay for each offense a sum not exceeding twenty dollars, and in addition thereto his license may be revoked as the board of aldermen may direct.

CHAPTER X.

CONCERNING DEALERS IN JUNK, OLD METALS AND SECOND-HAND ARTICLES.

SECTION.
1. Dealers in junk, etc. to be licensed.
2. Terms of license; may be revoked.
3. Keeper of a shop to keep a book; to record therein list of articles purchased, and of whom bought; to place a sign on his shop; not to sell any articles until one week after purchase thereof.
4. Penalty for violation.

License.
Ord. 31, s. 1.
P. S. ch. 102, s. 28.

SECTION. 1. The mayor and aldermen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles at such places within the city, as may be designated in such licenses, under such conditions and restrictions as are hereinafter prescribed.

Term.
Ord. 31, s. 2.
P. S. ch. 102, s. 28, 31, 127.
119 M. 109.

SECT. 2. Such licenses shall be for the term of one year but may at any time be revoked for suitable cause: and the conditions and restrictions herein prescribed shall be incorporated in every such license.

Books, signs, purchases.
Ord. 31, s. 3.

SECT. 3. Every keeper of a shop licensed as aforesaid shall keep a book in which shall be written at the time of every purchase a description of the junk, old metal or second-hand article so purchased, the name, age and residence of the person from whom, and the day and hour when such purchase was made. Such book shall at all times be open for the inspection of the mayor and aldermen and any person by them authorized to make such inspection. Every keeper of such shop shall put in some suitable and conspicuous place on his shop a sign having his name and occupations legibly inscribed thereon in large letters. Such shops and all articles of merchandise therein may be at all times examined by the mayor and aldermen or by any person by them authorized to make such examination. No keeper of such shop shall directly or indirectly either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice knowing or having reason to believe him to be such, and no article purchased or received shall be sold until a period of at least one week from the date of its purchase or receipt has elapsed.

Signs.

Penalty.
Ord. 31, s. 4.

SECT. 4. Whoever not being so licensed keeps such

P. S. ch. 102, s. 29.

shop or is such dealer in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, and whoever violates any rule, regulation or restriction contained in his license, shall forfeit a sum not exceeding twenty dollars for each offence.

CHAPTER XI.

CONCERNING THE FREE PUBLIC LIBRARY.

SECTION.
1. Previous ordinance affirmed.
2. Board of trustees to manage the library; board, how constituted and chosen.
3. Election of trustees by city council in January; vacancies, how filled.
4. Duties of the board defined.
5. Trustees to organize; choose librarian and assistants, and fix their compensation.
6. Trustees may make rules and regulations subject to approval of city council.
7. Trustees to make annual report to the city council.
8. The dog fund to be credited to the library account.

Ordinance affirmed. Ord. 19, s. 1. P. S. ch. 27, s. 10 P. S. ch. 40, s. 9–11. 10 Al. 169.

SECTION 1. The first section of an ordinance passed on the twenty-first day of March in the year eighteen hundred and sixty-six, entitled "An Ordinance relating to the Establishment and Government of a Free Public Library," is hereby re-ordained and affirmed.

Trustees. Ord. 19, s. 2.

SECT. 2. The immediate control and management of said library shall be vested in a board of trustees to consist of the mayor and president of the common council *ex officio*, and of six citizens at large to be chosen as herein-

after provided, who shall hold their offices until others are chosen in their place.

SECT. 3. Said six trustees shall be elected by the city council by ballot in joint convention. The trustees heretofore chosen shall continue to hold their offices for the term for which they were respectively chosen, and there shall be chosen annually in the month of January two trustees for the term of three years, to fill the vacancies then occurring, and all vacancies in said board occasioned by death, resignation, removal from the city or otherwise, shall be filled in like manner for the unexpired term.

Election. Ord. 19, s. 3.

Vacancies.

SECT. 4. All moneys appropriated for said library shall be expended under the direction of said board of trustees; they shall have full power to expend the same in the purchase of such books, periodicals and newspapers as they may select, and in defraying all the expenses for the support and maintenance of the institution. In addition to the appropriations which may from time to time be made in its support, all sums of money which may be received from the county treasurer by virtue of the statutes relating to dogs, or by its officers for fines, forfeitures, damages to books, sales of old books or papers and duplicate copies of books or papers, shall be retained for the use of said library and expended in like manner.

Expenditures. Ord. 19, s. 4.

Ord. 28.

SECT. 5. Said trustees may organize by the choice of

Organization and powers.

Ord. 19, s. 5.

one of their number as president, may appoint a librarian, assistants, and such other officers as they may deem expedient, fix their compensation, and remove them at pleasure. The salaries and other compensations fixed by the board shall be paid from the city appropriation for the library.

Regulations. Ord. 19, s. 6.

SECT. 6. Said trustees may make all needful and suitable regulations concerning said library and the use and management thereof, subject to the approval of the city council.

Annual report. Ord. 19, s. 7.

SECT. 7. Said trustees shall annually in the month of January lay before the city council a detailed report of their proceedings, the condition of the library, the number of books added thereto, and the receipts and expenditures of the previous year, with such information or suggestions as they deem important.

Dog fund credited to public library.

SECT. 8. All moneys which shall hereafter be paid to the city treasurer by the treasurer of the County of Bristol, on account of the dog license fund, shall at the time it is received be credited to the account of the public library.

CHAPTER XII.

CONCERNING THE CITY MARSHAL, ASSISTANTS AND POLICE.

SECTION.
1. City marshal, assistants and policemen to be appointed; their whole time to be at the service of the city; compensation.
2. Bonds to be given.
3. General duties of the city marshal.
4. Duties as to the board of health.
5. Marshal to keep record of complaints, and make reports quarterly.
6. Duties at fires.
7. May make rules and regulations.
8. Assistants' duties.
9. Assistants to account for fees; marshal to pay over to city treasurer monthly.
10. Mayor and aldermen may appoint special policemen, and fix their pay.
11. Constables to be appointed; duties of.
12. Removal of police officers.

Appointment. Ord. 4, s. 1. Rev. Ch. s. 9. P. S. ch. 28, s. 5 12 Metc. 234.

SECTION. 1. The mayor and aldermen shall annually as soon as may be after the organization of the city government and whenever a vacancy occurs appoint a city marshal and such assistants and policemen as they deem necessary with all the powers and duties of constables, who shall continue in office respectively until their successors are appointed and qualified, unless sooner removed by the mayor and aldermen. Their whole time shall be at the service of the city and they shall receive such compensation as the city council from time to time may determine.

Bond. Ord. 4, s. 2.

SECT. 2 Before entering upon the duties of his office, the marshal and each assistant shall give bond to the city, the marshal in the sum of one thousand dollars and each assistant in the sum of five hundred dollars, with sufficient surety or sureties to be approved by the mayor

12 Metc. 233.
99 Mass. 593.

and aldermen for the faithful performance of their respective duties; and each shall be duly sworn.

Duties.
Ord. 4, s. 3, 4, 5.

SECT. 3. The marshal shall have the general charge and supervision over his assistants and over all constables and special police officers when engaged in the same service, or whenever directed thereto by the mayor and aldermen, and shall forthwith report to the mayor and aldermen any violation or neglect of duty by any of said officers. He shall from time to time pass through the streets, lanes, alleys, squares and public grounds of the city to observe all nuisances, obstructions or impediments therein or on the sidewalks thereof, and any violation of any ordinance or statute relating thereto. He shall forthwith report to the superintendent of streets any defects or want of repairs which may be discovered in any public streets, ways, bridges or sidewalks. He shall receive all complaints against any person for any breach of the laws or of the ordinances of the city and shall for that purpose attend daily at his office at some stated time to be approved by the mayor and aldermen. He shall promptly and efficiently prosecute all offenders and by all proper means secure convictions, and he shall enforce and carry into effect all laws and city ordinances and be vigilant in detecting any breach thereof.

P. S. ch. 48, s. 26.

1 Allen, 172.

Duties as to board of health

SECT. 4. The city marshal shall be subject always to the direction, authority and control of the board of

health, enforce all ordinances and orders of the city council and all regulations and orders of the board of health relating to sickness, nuisances, sources of filth affecting the comfort or health of the inhabitants of the city existing within its limits, and shall cause the same to be abated, as by such ordinances, orders or regulations, or by the laws of the Commonwealth provided.

Records and reports. Ord. 4, s. 6.

SEC. 5. The city marshal shall keep or cause to be kept at the police station an exact record of all complaints made by him or any officer under his control, for any violation of the laws or city ordinances and of all arrests so made with a complete description of the person arrested, with the cause thereof, the name of the officer making the arrest, and the disposition made of the person and the case, with the circumstances thereof. Such record shall be kept in a book furnished by the city and shall at all times be open to the inspection of the mayor and aldermen, and shall be delivered by him to his successor in office. The marshal shall once in three months and whenever so required make a full report in writing of the proceedings of his office to the mayor and aldermen containing an exact account of all fees received by him or his assistants for serving processes, attendance upon court, witness fees in any case, civil or criminal, and all other fees and moneys received by him or them as complainants, or otherwise as officers or agents of the city.

Duties at fires. Ord. 4, s. 7.

SECT. 6. The city marshal and such assistants or policemen as he shall direct, shall in case of fire repair to the place where the fire may be and in conjunction with the chief engineer or other officer there in command diligently attend to the keeping of the public peace, the prevention of thefts and and the loss or injury of property, and the removal of all persons suspected or invading the lines formed thereat; and shall under the direction of the collector of taxes assist in the collection of taxes.

P. S. ch. 34, s. 2
Ord. 20, s. 27.

To assist collector of taxes.

Rules.

SECT. 7. The city marshal may establish rules and regulations for the government, disposition and management of the police consistent with the laws and with the ordinances of the city subject to the approval of the mayor and aldermen.

Duties of assistant marshals. Ord. 4, s. 9.

SECT. 8. The assistant marshals shall under the direction of the marshal and of the mayor and aldermen perform and aid in any and all such duties and have all such powers as are prescribed for the marshal, and may act as day or night police; and the marshal with his assistants and policemen shall have and perform all the powers and duties of watch and ward as provided by law, subject to the direction of the mayor and aldermen.

P. S. ch. 34.

Ord. 4, s. 8.
P. S. ch. 199, s. 34.
9 Gray, 78.
Fees and moneys received.

SECT. 9. The assistant marshals shall pay over to the marshal all fees and moneys received by them for serving processes, attendance upon court or for witness fees in any

case civil or criminal, or as complainant or otherwise as officers or agents of the city; and the marshal shall once a month pay over the same to the city treasurer together with all such fees and moneys received by him in any manner as aforesaid. It shall also be his duty to collect, receive and pay over to the city treasurer once a month all fines, forfeitures and penalties accruing for the breach of any ordinance of the city or any regulation of the board of health.

Marshal's duty as to money received.

SECT. 10. The mayor and aldermen may appoint such special police officers and watchmen as they deem necessary and fix their compensation, who shall be duly sworn, before entering upon their duties.

Ord. 4, s. 10. Special police. 99 Mass. 592.

SECT. 11. The mayor and aldermen may appoint such constables as they deem proper who shall be sworn according to law. Such constables shall attend all fires within their respective wards and dilligently attend to the preservation of the peace, the prevention of thefts and the loss or injury of property and shall receive therefor such compensation as the mayor and aldermen may determine.

Ord. 4, s. 11. Rev. Ch. s. 9. Constables.

SECT. 12. Any officer named in this chapter may at any time be removed by the mayor and aldermen for cause and others appointed in his place.

Removal. Ord. 4, s. 12. Rev. Ch. s. 9. 131 M. 482.

CHAPTER XIII.

CONCERNING THE CITY MESSENGER.

SECTION.
1. A city messenger to be elected in January; compensation of.
2. General duties of messenger.

Election.
Ord. 18, s. 1.

SECTION 1. The city council shall annually in the month of January and whenever a vacancy occurs, elect by joint ballot a city messenger, who shall hold his office during the pleasure of the council, and shall receive such compensation as the council may determine.

Duties.
Ord. 18, s. 2.

SECT. 2. The city messenger shall have the general care and custody of the city hall and its various apartments, including the grounds and appurtenances thereto. He shall prepare and arrange the various apartments of the city hall for their appropriate purposes, and shall keep the same clean, warmed, lighted, and in good order and condition for any occupation authorized by the mayor and aldermen or city council or any committee thereof. He shall attend all sessions of the city council or either branch thereof or any committee of the same, and of the board of overseers of the poor, the board of assessors, and the board of health; and he shall deliver all messages, notifications and other papers when thereto directed by the mayor, president of the common council, the city council or either branch thereof. He shall at all times be subject to such further orders as may be made from time to time by the city council.

CHAPTER XIV.

CONCERNING ORDINANCES AND ORDERS.

SECTION.
1. Enacting style of ordinances.
2. All ordinances to be recorded by the city clerk.
3. Terms "Ordered" and "Resolved" defined.
4. Ordinances, orders and resolutions to be presented to the mayor for approval.
5. Ordinances: when to take effect.
6. Ordinances to be published, and to be printed in the municipal register.

Enacting style.
Mass. Const. Am'd't. art. II.
P. S. ch. 3, s. 3 cl. 15.
P. S. ch. 28.
Ord. 5, s. 1.

SECTION 1. All by-laws passed by the city council shall be termed "Ordinances," and the enacting style shall be: "Be it ordained by the City Council of the City of Taunton, as follows":

Records.
Ord. 5, s. 2.

SECT. 2. All ordinances shall be recorded by the city clerk, in a fair and legible hand, without interlineation or erasure, and in the order in which they were passed to be ordained, in a book prepared and kept for that purpose, made of strong linen paper, with proper margins and indexes, and strongly bound. Said book shall be lettered "Records of Ordinances of the City of Taunton," and shall be preserved in the office of the city clerk, subject to public inspection.

Terms "Ordered," "Resolved."

SECT. 3. Whenever the city council or either branch thereof expresses anything by way of command, the form of expression shall be "Ordered"; and whenever the city council or either branch thereof expresses opinions, principles, facts or purposes, the form shall be "Resolved."

Presenting to mayor.
P. S. ch. 28, s. 5

SECT. 4. Whenever an ordinance, order, resolution, or vote shall be passed by the city council or either branch thereof, which is required by law to be presented to the mayor for approval, the city clerk shall, without unnecessary delay, present the same to the mayor, and enter upon the records of the board of aldermen the dates of the presentation and approval thereof.

Time of going into effect.
P. S. ch. 3, s. 1.
Ord. 5, s. 3.
109 M. 355.

SECT. 5. Every ordinance shall go into effect on the day upon which it is approved by the mayor, or otherwise passed and approved as provided by the statutes of this Commonwealth. And if such ordinance is not returned by the mayor within ten days after presentation thereof to him, it shall go into effect after the expiration of ten days from the date when the same was so presented. This section shall not apply when it is provided otherwise.

Promulgation.
Ord. 5, s. 4.

SECT. 6. Every ordinance passed during any municipal year shall be printed in the annual report of that year, under the supervision of the committee on printing, and shall be further promulgated by publishing the same, under the supervision of the city clerk, in any newspapers not exceeding two, printed and published in the city of Taunton, as the mayor shall direct; but a failure to comply with this section shall not affect the validity of any ordinance.

CHAPTER XV.

CONCERNING PETROLEUM.

SECTION.
1. An inspector of petroleum to be appointed, and no kerosene oil to be kept for sale without inspection.
2 Penalty for violation of this chapter.

SECTION 1. No person shall sell or keep for sale in this city, for illuminating purposes, any kerosene, refined petroleum, or any product of petroleum, without having the same inspected and approved by an inspector duly appointed by the mayor and aldermen. Inspection. Ord. 36, s. 1. St. 1882, ch. 250. P. S. ch. 59, s. 7 P. S. ch. 102, s. 69–75.

SECT. 2. Any person violating the provisions of this chapter shall forfeit and pay a fine not exceeding twenty dollars for each offence. Penalty. Ord. 36, s. 2.

CHAPTER XVI.

CONCERNING PRINTING.

SECTION.
1. Printing to be authorized by committee on printing.
2. Documents to be printed in uniform style.
3. The committee to approve bills for printing.

SECTION 1. All printing required for the city shall be done under the direction of the joint standing committee on printing, except when otherwise specially authorized. Committee on printing. Ord. 8, s. 1.

SECT. 2. All documents printed by order of the city council, or of any department thereof, shall be printed in Style of documents. Ord. 8, s. 2.

uniform style, and the annual reports of each year shall be numbered from one upwards, and all documents or other matters referred for printing to the joint committee on printing of any year, the printing whereof is not completed at the end of that year, shall be completed by the joint committee on printing of the municipal year next following.

Printing bills. Ord. 8, s. 3.

SECT. 3. No bills for printing shall be allowed unless the same are approved by the joint committee on printing, or by the committee or person specially authorized to incur the expense and supervise the same.

CHAPTER XVII.

CONCERNING THE COMMITTEE ON PUBLIC PROPERTY.

SECTION.
1. A committee on public property to be appointed.
2. General duties of; to have the care of all public buildings and other property; to keep the same in repair.
3. To have the care of the fountains.
4. When the cost exceeds five hundred dollars, shall invite sealed proposals
5. Contracts in certain cases to be in writing.
6. Committee to keep records, also a schedule of all property belonging to the city; to make report to the city council in December.
7. To make contracts for all fuel for the various departments. Authority of the school committee in certain cases.
8. Said committee authorized to let or lease land or buildings, and when they may grant the temporary use thereof.

Appointment. Ord. 23, s. 1.

SECTION 1. At the commencement of each municipal year there shall be appointed a committee on public property consisting of two aldermen and three members of the common council.

SECT. 2. Said committee shall have the care and supervision of all school houses, public buildings and other property of the city and of the erection, alteration and repair thereof, except as otherwise provided, and subject always to such rules, orders and regulations as the city council may adopt. The amount of expenditures for the foregoing purposes in any one year shall not exceed the appropriations made therefor by the city council and no expenditure shall be made in reference thereto unless the same is considered in committee and agreed to by a major part thereof; and no building shall be erected nor shall any alteration or repair be made on any building, if the estimated cost of such expenditure in any single instance shall exceed two hundred dollars, unless the city council shall expressly authorize the same.

Duties.
Ord. 23, s. 2, 3.

Limitations.

SECT. 3. Said committee shall have the care and supervision of "The Green" and all other lands or enclosures belonging to the city and of all public drinking fountains including the "Marvel" fountain, except when otherwise specially provided.

Care of lands.

SECT. 4. Whenever the estimated cost for the erection, alteration or repair of any building authorized by the city council exceeds the sum of five hundred dollars said committee shall cause plans and specifications of said work to be prepared and shall by public notice invite sealed proposals for the same, and no such proposal so received

Sealed proposals.
Ord. 23, s. 4, 5.

shall be opened except in committee, nor shall the contents of any such proposal be disclosed to any person until after the contract therefor is closed. All such proposals the committee shall reserve the right to reject, whenever they deem the interest of the city requires it.

Written contracts. Ord. 23, s. 6.

SECT. 5. Every contract, involving an expenditure of five hundred dollars shall be in writing, and after it is concluded shall not be opened nor altered in any particular, except by consent of the committee endorsed on the contract and signed by a major part thereof, unless the city council shall otherwise order.

Property book.

SECT. 6. Said committee shall cause to be kept in a book furnished by the city a complete record of their doings; said book shall also contain a schedule of the several parcels of real property in charge of said committee with brief descriptions thereof, and of all leasehold interests of the city, if any, and also a schedule of the personal property of the city and where the same is deposited or kept; and said committee shall annually submit to the city council a statement of all the property real and personal of the city, except when otherwise specially provided.

Report in December.

Authorized purchases. Ord. 23, s. 7, 8.

SECT. 7. Said committee shall annually purchase or in writing contract for, all fuel required for the several departments of the public service, the same to be delivered when and where said committee direct, and they are

authorized to provide for use in the several departments such articles as they may deem necessary, provided the cost thereof in any single instance shall not exceed twenty-five dollars. And the school committee are authorized to provide fuel, furniture and other things necessary for the school department including repairs of school houses, to the same extent of expenditure, in case the committee on public property make no provision therefor.

Authority of school committee.

SECT. 8. Said committee may let any land or building, not put to any public uses, for a term not exceeding one year, but all written leases shall be subject to the approval of the city council, and shall be executed by the mayor in behalf of the city, and said committee may permit the temporary use of the city buildings whenever the same does not interfere with their public uses, and is not in violation of some ordinance or order of the city council.

Letting and leasing. Ord. 23, s. 9.

CHAPTER XVIII.

CONCERNING THE SALARIES AND COMPENSATION OF CITY OFFICERS.

SECTION.
1. The compensation of officers payable monthly; compensation of certain officers fixed.
2. Compensation of the fire department to be payable quarterly.
3. Compensation of wardens, inspectors and clerks fixed.
4. The compensation herein fixed to be in full for official services.

Compensation of municipal officers payable monthly.

SECTION 1. The compensation to be paid the several officers herein mentioned for each municipal year, shall be fixed at the annual rates herein set forth, and shall be payable in equal monthly installments, to wit:

To the mayor, a salary of one thousand dollars.

To the treasurer and collector, seventeen hundred dollars.

To the clerk of the treasurer and collector, four hundred and fifty dollars.

To the treasurer and secretary of the commissioners of sinking funds, three hundred dollars.

To the city clerk, nine hundred dollars with legal fees.

To the board of assessors, fifteen hundred dollars.

To the board of water commissioners, six hundred dollars.

To the clerk of the board of water commissioners, one thousand dollars.

To the superintendent of streets, twelve hundred dollars, with stabling and feed for one horse.

To the city marshal, one thousand dollars.

To the captains of night watch and day police, each at the rate of two dollars and a half per day.

To the police and night watchmen, each at the rate of two dollars and twenty-five cents per day.

To the city physician, six hundred dollars, for which sum he shall also furnish all medicines necessary to be used in his department, without additional expense to the city.

To the city messenger, four hundred and fifty dollars.

To the secretary of the overseers of the poor, five hundred dollars.

To the clerk of the common council, one hundred dollars.

To the superintendent of Mayflower Hill cemetery and Broadway burial ground, one hundred and fifty dollars.

To the superintendent of Oakland cemetery, twenty-five dollars.

To the sealer of weights and measures, one hundred and fifty dollars.

To the inspector of milk, fifty dollars.

Compensation of fire department payable quarterly.

SECT. 2. The compensation to be paid the officers and members of the fire department, and other officers herein mentioned, for the current year 1883, and for each year following until otherwise determined, shall be fixed at the annual rates herein set forth, and shall be payable in equal quarterly installments, to wit:

To the chief engineer of the fire department, four hundred dollars.

To the first, second, and third assistants, each seventy-five dollars.

To the fourth assistant engineer, sixty dollars.

To the secretary, forty dollars.

To the superintendent of fire alarm telegraph, four hundred dollars.

To the engineer at the city engine house on Leonard street, nine hundred dollars.

To the hostler at the city stable on Leonard street, seven hundred dollars.

To the engineers of the several steam fire engines (except the engineer in charge of city engine house on Leonard street), each seventy-five dollars.

To the foremen, assistant foremen, stokers, hosemen and truckmen of steam fire engines, hose companies and hook and ladder company, each sixty dollars.

To the stewards each of volunteer companies, twenty-five dollars.

Compensation of certain officers per diem.

SECT. 3. To the warden and ward inspectors shall be paid for each day's actual service, each two dollars and fifty cents. To the ward clerks of the several wards shall be paid for each day's actual service, each three dollars.

SECT. 4. The compensation to be paid to the several persons named in this chapter shall be in full for all services rendered by them in their respective offices, unless otherwise provided.

CHAPTER XIX.

CONCERNING THE CITY SEAL.

SECTION.
1. Design of the city seal, and device.
2. Deeds and other legal instruments to be sealed with the city seal and signed by the mayor.

SECTION 1. The design of the city seal shall be: a circle, in the centre, a shield, on which is represented the original purchase of the territory by Elizabeth Pool: above the shield on the scroll the motto "*Dux femina facti*": below the word "Cohannet": on the right a railroad, depot, cars and machine shops: on the left Taunton Great River, shipping and warehouses: in the upper border "Taunton": in the lower "A town 1639, a city 1864" the device thereof being as follows: Ord. 12. City seal. Design. Device.

SECT. 2. All deeds or other legal instruments made, given or entered into by the city by order of the city council or either branch thereof, requiring a seal shall be sealed with the city seal and shall be signed and acknowledged in behalf of the city by the mayor. Ord. 1. Execution of deeds.

CHAPTER XX.

CONCERNING SEWERS.

SECTION.
1. Authority for constructing drains and sewers; board of aldermen to determine manner and mode of construction.
2. Superintendent of streets to superintend the work, and make accurate plans thereof, to be filed in the city clerk's office.
3. Said superintendent to keep an account of the cost, and report the same and names of abuttors benefited to the aldermen.
4. The aldermen to make assessments; SECTION. the city clerk to certify the same to the city treasurer.
5. The treasurer to collect the assessments.
6. Instead of assessments, fees for entry of the sewer may be charged.
7. Written permits from the board of aldermen required before entering the sewer; the work to be done under charge of the superintendent of streets.
8. Entry of rain water into the sewer.
9. Penalty for violation of this chapter.

Authority for. Ord. 25, s. 2. P. S. ch. 50, s. 1. R. C. s. 17.

SECTION. 1. The board of aldermen may, with the concurrence of the common council lay, make and maintain all such main drains or common sewers, as they adjudge to be necessary for the public convenience or the public health, through the public streets or through the lands of any persons or corporations and may repair the same whenever it is necessary. All such drains and sewers shall be the property of the city and when laid in any public street shall be laid as nearly as possible in the centre thereof and shall be constructed in such manner and of such materials and dimensions as the board of aldermen shall direct.

Ord. 25, s. 3. Supervision and plans.

SECT. 2. The superintendent of streets shall, under the direction of the board of aldermen have the general supervision of all main drains and common sewers now

built or hereafter to be built by the city and of all repairs thereof. Whenever such drain or sewer is ordered to be built or repaired, he shall ascertain its depth, dimensions, mode of construction and course, and shall make an accurate plan thereof setting forth the full details thereof with references to other lines of sewerage in the same general direction, if any there are, and shall specify thereon the depth and distance from the street lines and the particular location of all private drains entering therein as from time to time they are granted. Said plans of sewerage shall be filed and carefully preserved in the office of the city clerk.

Ord. 25, s. 4. Account of expenses.

SECT. 3. The superintendent of streets shall keep an accurate account of the expense of constructing or repairing such drain or sewer and shall forthwith report the same to the board of aldermen after the same is finished or whenever ordered so to do, with a list of the persons and estates benefited thereby, a record whereof shall be duly made in the office of the city clerk.

Ord. 25, s. 5. P. S. ch 50, s. 4. Assessment.

SECT. 4. The board of aldermen in providing for assessments to be made for defraying the expense of constructing or repairing such drains or sewers shall determine the proportional part of such expense to be imposed upon those benefited thereby and shall thereupon apportion and assess upon every person benefited thereby such proportional part, a record whereof shall be

forthwith made in the office of the city clerk and shall fix the time when the assessments so made shall be paid, and the city clerk shall certify the same to the city treasurer who shall forthwith give notice to the several parties to be charged thereby, or to their tenants or lessees.

Ord. 25, s. 5.
P. S. ch. 50, s. 5
Payment of assessments.

SECT. 5. The city treasurer shall forthwith demand payment in writing of all sums so assessed from the persons assessed or from the persons occupying the estates so assessed, and if payment thereof is not made within three months after the demand so made therefor, the city treasurer shall collect the same with all incidental costs and expenses as provided by statute.

P. S. ch. 50, s. 8
Payment for entry.

SECT. 6. The board of aldermen may by vote determine that instead of the assessment heretofore provided for, every person who uses such drains or sewers in any manner shall pay for the permanent privilege to his estate such reasonable sum as they shall determine.

Conditions of entry.
Ord. 25, s. 7.

SECT. 7. No person shall enter his particular drain into any main drain or common sewer without a permit in writing from the board of aldermen or from the superintendent of streets authorized by said board of aldermen; and the application for such entry shall be in writing and in such form as the board of aldermen may prescribe. Said permit shall specify the mode of construction and

shall provide that such particular drain shall be subject to such alterations at the applicant's or owner's expense as the board of aldermen may at any time determine. All openings into any main drain or common sewer for the purpose of connecting therewith and all work done in relation thereto shall be under the supervision and charge of the superintendent of streets or of some person by him specially authorized therefor. No person shall enter any main drain or common sewer except as provided in this chapter nor without paying the assessment laid therefor or such sum as the board of aldermen shall deem reasonable for the privilege.

Entry of rain water. Ord. 25, s. 6.

SECT. 8. Any person may at his own expense conduct the rain water from the roof of any building into any main drain or common sewer, upon such terms and conditions as the board of aldermen may prescribe, and subject to the supervision and direction of the superintendent of streets, and subject to such alterations as the board of aldermen may from time to time determine.

Penalty.

SECT. 9. Any person violating the provisions of this chapter relating to the entry or use of main drains or common sewers shall be liable to a penalty not exceeding twenty dollars.

CHAPTER XXI.

CONCERNING SINKING FUNDS.

SECTION.
1. Three sinking funds commissioners to be elected.
2. Maturing debts may be renewed; what funds to be kept distinct.
3. What funds shall be set over to the municipal sinking funds.
4. What funds shall be set over to the water loan sinking funds.
5. For future indebtedness, sinking funds shall be established; taxes shall be annually assessed to pay the interest and to extinguish the debt at maturity.
6. Duties of the treasurer of sinking funds.
7. Sinking funds not to be applied in payment of interest.
8. Commissioners to report to city council the amount required to be raised by taxation; to invest all funds, and to report annually.
9. Commissioners to apply funds set apart to the payment of debts due; the balance, how disposed of.

Board of commissioners.
Ord. 47, s. 1.
Ord. 51, s. 1, 2.
P. S. ch. 29, s. 9, 10, 18.
Election.

SECTION 1. The sinking funds heretofore established shall continue to be maintained. The board of commissioners of said sinking funds shall, as heretofore, consist of three suitable persons, one of whom shall be elected annually, in the month of January, for the term of three years, by the concurrent vote of both branches of the city council, and shall have and exercise all the duties and powers as provided in the twenty-ninth chapter of the public statutes; provided, that the commissioners now in office shall continue in office for the terms for which they were respectively elected.

Renewing of debts.
P. S. ch. 29, s. 23
Ord. 51, s. 2.

SECT. 2. Upon the maturing of the existing funded and other debts of the city, the same shall be renewed in securities of the city, payable as provided in said twenty-ninth chapter of the public statutes, except so far as the same may have become a part of the sinking funds

as hereinafter provided, and except also so far as the same or any portion thereof may be paid at maturity; but said debts and securities relating to the general indebtedness of the city shall be always kept distinct from and independent of the debts and securities relating to indebtedness arising from the introduction of pure water, as provided by the statutes of the Commonwealth relating thereto.

P. S. ch. 29, s. 11

Funds kept distinct.

St. 1875, ch. 217.

MUNICIPAL SINKING FUNDS.

SECTION 3. At the close of each financial year, all excess of municipal appropriations over the amounts required for the purpose thereof, all the moneys received by the city from the sale of real estate, or from payments on account of the principal sum of any bond or note now owned or which may hereafter be owned by the city, except such as may relate to the water works, or from payments on account of any betterment assessments, or from premiums which may arise from the sale of the municipal bonds of the city other than water bonds, shall be set apart and paid by the city treasurer to the treasurer of the board of commissioners aforesaid, to be added to the municipal sinking funds now or hereafter to be established under the provisions of chapter twenty-nine of the public statutes, for the purpose of reducing the amounts to be raised by taxation for such funds, as provided by said twenty-ninth chapter of the public statutes, and a reduction shall be made according thereto.

Moneys set over to municipal sinking fund.

Ord. 51, s. 4.

P. S. ch. 29, s. 9

WATER LOAN SINKING FUNDS.

Moneys set over to water loan fund. Ord. 47, s. 3. St. 1875, ch. 217, s. 5.

SECTION 4. For the water loan sinking funds as now established, there shall hereafter be appropriated annually by the city council not less than three per cent. of the total amount of all outstanding loans authorized and made for the introduction of pure water; provided, however, that the income in any financial year from the sale of water and from premium for water bonds, in excess of the interest upon the water debt and the current expenses of the water works and the premiums on water bonds received during such year, shall at the close of said year be credited by the city treasurer to the water loan sinking fund and shall be paid over to the treasurer of said sinking fund, and the appropriation to be made by the city council for the succeeding year on account of the water loan sinking funds, shall be proportionately diminished.

GENERAL PROVISIONS.

Sinking fund for future indebtedness. Ord. 51, s. 5. P. S. ch. 29, s. 7, 8, 9. See sec. 2.

SECTION 5. Whenever any debt is hereafter contracted by the city under sections seven, eight and nine of chapter twenty-nine of the public statutes, or under the provisions of this chapter, the city shall, besides paying the interest on said debt as it accrues from the taxes assessed for that purpose, at the time of contracting the same establish a sinking fund, and contribute thereto from year to year an amount raised annually by taxation sufficient

with its accumulation to extinguish the debt at its maturity.

Treasurer's duties. Ord. 51, s. 5. P. S. ch. 29, s. 10.

SECT. 6. The treasurer of the board of sinking funds commissioners shall keep accurate and separate accounts of each sinking fund, and shall place to the credit of each sinking fund all appropriations made by the city for such several funds, and also all moneys received by the city and paid over to him as provided in the third and fourth sections of this chapter. All amounts held by the city treasurer on account of the several sinking funds aforesaid shall be paid by him to the treasurer of said commissioners upon their written order, on the first day of November in each year, and every sinking fund shall remain sacred and inviolate and pledged to the payment and redemption of the debt for which it was established, and shall be used for no other purpose.

St. 1875, ch. 217 s. 5.

Funds not to be applied to interest. Ord. 51, s. 6.

SECT. 7. Said commissioners shall in no case pay or apply any sinking funds, or the interest or accumulation thereof, in payment of any interest upon any debt of the city.

Report for taxation. Ord. 51, s. 7. P. S. ch. 29, s. 11.

SECT. 8. Said commissioners shall annually, in the month of February, report to the city council the amount required to be raised by taxation at the next annual assessment for each of the sinking funds in the hands of said commissioners for redeeming municipal indebted-

ness. In ascertaining the amount to be so raised, they shall deduct from the total amount of annual contribution required therefor all additions to the several sinking funds during the year preceding, from the several sources of income specified in sections two and three of this chapter.

Investments.

Said commissioners shall invest any and all contributions to the several sinking funds from year to year, and all accumulations of said funds, in such securities as the statutes of this Commonwealth designate, and shall report annually in writing to the city council, in December, the exact amount and condition of the sinking funds in their charge, and the income thereof for the preceding financial year.

P. S. ch. 29, s. 11.

Annual report.

Payment from sinking funds. Ord. 51, s. 8.

SECT. 9. Whenever any debt to be paid from any sinking fund becomes due, said commissioners shall apply to the payment thereof from the funds in their charge for such payment, the sum required after deducting the amount of scrip, notes or bonds held by them, which the city of Taunton issued and for which such sinking fund was established to redeem; and all such scrip, notes or bonds then redeemed, or previously taken and held for redemption, shall be cancelled and delivered to the city treasurer; and the balance of such funds, if any, left after the payment of said debt, shall be transferred by the said commissioners to such other sinking fund, or otherwise disposed of, as the city council may order.

Cancellation of scrip, etc.

Disposal of balances.

CHAPTER XXII.

CONCERNING STREETS.

SECTION.
1. No street to be laid out except upon petition of ten legal voters; notice of intention to be given to landowners.
2. A hearing to be had before mayor and aldermen; a view may be requested; adjudication to be made; bounds to be fixed and grade established; plan and profile to accompany the same; damages to be awarded; time fixed to remove fences, etc.
3. The aldermen to make full report of their doings, which shall be filed in the city clerk's office seven days before presentation to the common council; no street to be laid out unless the council concur therein.
4. Permanent bounds to be established.
5. City council to establish names of streets; city clerk to keep in a book, names, descriptions and bounds of streets.
6. Streets laid out to be forty feet wide.
7. Private ways opened to public travel to be forty feet wide; plan thereof to be filed with the city clerk; aldermen may close the same.
8. Aldermen may require all buildings numbered; penalty for neglect to comply therewith.
9. Statutes relating to sidewalks adopted.
10. Application for establishing sidewalks; hearing to be had, and notice thereof.
11. Adjudication by the board of aldermen; assessment may be made.
12. Superintendent of streets to construct sidewalks so established; to keep an account of the cost thereof and report to the aldermen; one half the cost may be assessed upon the abuttors, *except*; report and assessment to be filed with the city clerk and recorded; a copy of assessment to be delivered to the city treasurer.
13. Treasurer to collect assessments as provided by statute.
14. A superintendent of streets to be chosen.
15. General duties and powers of.
16. Duties of, relative to ways or bridges unsafe for public travel.
17. To have charge of street lights.
18. To have care and control of city stable and appurtenances; appoint hostlers; notify committee on public property when repairs are needed at city stable; make rules and regulations; smoking prohibited.
19. To keep an exact account of all contracts or expenditures in his department; report to the city council quarterly and annually, with schedule of property and recommendations.
20. He may appoint his assistants, and define their districts; assistants to reside in the same; powers and duties of assistants.
21. Superintendent of streets to procure estimates, plans, etc., of sewer or street proposed to be built or altered, and report to city council; prohibited from changing grade or altering a street or sidewalk, whereby damages may accrue, without express orders.
22. To be sworn; to give bonds; whole time to be at the disposal of the city; not to have any interest in any contract; to approve all bills in his department.

THE LAYING OUT OF STREETS.

Laying out. Ord. 9, s. 1. P. S. ch. 49, s. 65, 91.

SECTION 1. No street or way shall be laid out, altered or discontinued except upon the written application of at least ten legal voters therefor; and in no case unless

seven days previous thereto the board of aldermen shall cause written notice of their intention to lay out, alter or discontinue the same, to be given as herein provided.

Notice. P. S. ch. 49, s. 67.

Said notices shall specify the time and place for meeting and hearing all parties interested therein, and shall be left at the usual place of abode of the several owners of the land over which such street or way is proposed to be laid out, altered or discontinued, unless such notices are delivered to such owners in person, or to their tenants or authorized agents; and if any such owner have no such abode in the city and no tenant or authorized agent therein known to the board of aldermen, or if, being a resident of the city, he is not known as such to said board, such notice shall be posted up in some public place in the city seven days at least before the laying out, altering or discontinuing such street or way.

Ord. 9, s. 2.

Hearing.

Adjudication.

SECT. 2. At the time and place appointed and notified as aforesaid, the board of aldermen shall meet and hear all parties interested, and if requested, shall view the premises. If the board of aldermen shall adjudge that the common convenience and necessity require such street or way to be laid out, altered or discontinued, they shall, as soon as may be, proceed to lay out, alter or discontinue the same; and shall fix the boundaries and admeasurements of the street or way so laid out or altered; and shall determine the grade thereof with a plan and profile of the same, and the names of the various owners of land

interested designated thereon; and the damages, if any, sustained by any person in his property by the laying out, altering, or discontinuing of such street or way; the amount of compensation which such person shall receive, and the time allowed the owners of land through which said street or way passes to take off trees, fences and other property which may obstruct the building of such street or way. P. S. ch. 49, s. 68 P. S. ch. 49, s. 80

SECT. 3. The board of aldermen shall, after laying out, altering or discontinuing any street or way, make full report of their doings in the premises, and shall cause the same, with all plans thereof, to be forthwith filed in the office of the city clerk; but no action of the board of aldermen relating to the laying out, altering or discontinuing of any street or way, shall be finally established unless the common council shall concur therein at a regular meeting thereof, held at least seven days after the filing of the report and adjudication of the board of aldermen thereon in the office of the city clerk. Ord. 9, s. 3. Report. P. S. ch. 49, s. 71 Filing. Concurrence of common council. R. Ch. s. 16. P. S. ch. 49, s. 71

SECT. 4. The board of aldermen shall cause permanent landmarks, bounds or monuments to be established, of any street or way so laid out or altered, as provided by statute. Ord. 9, s. 4. P. S. ch. 49, s. 98. Bounds.

SECT. 5. The several streets and squares in the city shall retain the names heretofore established, and all Ord. 9, s. 5. Names of streets.

streets, ways or squares hereafter to be laid out shall be named by the city council. The city clerk shall keep a book, to be furnished by the city, in which the names of all streets and ways now established, laid out or hereafter to be laid out within the city, shall be entered, with a brief description thereof, the date of lay-out or acceptance if known, with the boundaries and widths thereof, and any alterations at any time made therein, and with a statement of such landmarks or other established monuments appertaining thereto, so far as the same can be ascertained.

Record book.

Ord. 16, s. 1. Width of lay-out.

SECT. 6. No public street shall hereafter be laid out by the city council, and no existing street shall be accepted or laid out as a public way, unless the same be forty feet wide, if such width can be secured without a material and disproportionate injury to adjoining estates.

Ord. 16, s. 2, 3. Opening of private ways.

SECT. 7. No person shall hereafter open any street or way for public use into any public street or way, unless such street or way, opened as aforesaid, is forty feet in width, and is constructed and completed at his sole expense upon a plan, deposited in the office of the city clerk, with such grade as the board of aldermen shall determine, nor unless the same is reasonably safe for public travel at all seasons of the year; and the said board may, whenever the public safety demands, direct and cause the entrances of any street or way so opening

Record.

P. S. ch. 52, s. 1
P. S. ch. 49, s. 95

Closing.

into any public street or way to be closed up, if not constructed and completed as herein provided.

NUMBERING OF BUILDINGS.

Ord. 48, s. 1. Numbering of buildings.

SECTION 8. The board of aldermen may order all dwelling houses or other buildings fronting on any public street or way to be numbered in regular succession, and may in such order determine the form, size and material of the numbers to be affixed or inscribed thereon, and the mode, place, order and succession whereby such numbers may be so annexed. The owner or occupant of any building subject to such order, who shall fail or refuse to comply with the terms or conditions thereof for a longer period than one day after being duly notified of the same, shall for each offence forfeit and pay a penalty not exceeding twenty dollars.

Ord. 48, s. 1. Penalty.

SIDEWALKS.

Statute adopted. Ord. 11, s. 1. P. S. ch. 50, s. 20–24. P. S. ch. 53, s. 6

SECTION 9. The adoption of sections twenty, twenty-one, twenty-two and twenty-three of chapter fifty of the public statutes, relating to the establishment, construction and grading of sidewalks, is hereby ratified and affirmed.

Ord. 42, s. 1. Application for sidewalks.

SECT. 10. All applications for the establishing, constructing or grading of sidewalks shall be in writing, and

shall be addressed to the mayor and board of aldermen. The board of aldermen shall appoint a time and place for hearing all parties interested, and shall give notice thereof in writing to all abuttors on such proposed sidewalk, seven days at least before the time of hearing. The notice shall be served by leaving the same at the usual place of abode of each of said abuttors, or by delivering the same to such abuttor in person or his tenant or authorized agent. If such abuttor has no known place of abode and no tenant or authorized agent within the city known to the board, or if, being a resident therein, he is not known as such to the board, such notice shall be posted up in some public place in the city, seven days at least before the time of hearing.

Notice.

Ord. 11, s. 3. Adjudication.

SECT. 11. At the time and place so appointed, and after notice as aforesaid, the board of aldermen shall meet and hear all parties interested therein, and, if requested, shall view the premises; and if said board shall adjudge that the public convenience requires that a sidewalk should be established, constructed or graded as prayed for, they may establish and grade the same in such manner as they may deem proper, and may make assessment for the expense thereof as hereinafter provided.

Assessment. P. S. ch. 50, s. 22.

Ord. 42, s. 2. Construction.

SECT. 12. Every sidewalk so established shall be constructed, graded and completed by the superintendent of streets or under his direction, of such materials, dimen-

sions, and in such manner as said board of aldermen prescribe. He shall keep an exact account of the expense incurred therefor, and shall report the same to the board within thirty days after its completion, with the names of all abuttors assessable therefor and the estates benefitted thereby, with a brief description thereof; and thereupon the board of aldermen may assess the several abuttors thereon not exceeding one half of the expense thereof proportionally, but no abuttor shall be assessed a sum exceeding one per cent. of the valuation of his abutting estate, as fixed by the last preceding annual assessment for taxes, and deduction shall be made of any sum previously assessed thereon and paid on account of the construction of such sidewalk. Said report and assessment shall be filed in the office of the city clerk; and the city clerk shall record in a book furnished by the city and kept for that purpose, the names of the streets in which a sidewalk is so established, and shall enter therein the length and width of such sidewalk, the date when established, and the names of the several owners of the estates abutting thereon, and the several sums so assessed thereon; and he shall forthwith deliver to the city treasurer a certified copy of said assessment.

Account of expense.

P. S. ch. 50, s. 22.
Assessment.

Limitations.

Filing report and assessment.
Ord. 11, s. 5.
Record.

Sect. 13. The city treasurer upon receiving the assessment certified to him as aforesaid, shall forthwith proceed to make collection of the various sums so assessed, and shall enforce the payment thereof as provided by statute.

Ord. 42, s. 2.
Collection.
P. S. ch. 50, s. 20.
114 M. 546.
114 M. 388.

SUPERINTENDENT OF STREETS.

Ord. 3, s. 1. Election. Rev. Ch. s. 9.

SECTION 14. As soon as may be after the organization of the city government, annually, and whenever a vacancy occurs, there shall be elected by the city council in joint convention by ballot, a superintendent of streets, who shall receive such compensation as the city council determines.

Duties. Ord. 9, s. 2. P. S. ch. 27. s. 127–128. P. S. ch. 52. P. S. ch. 28, s. 2 P. S. ch. 52, s. 1 P. S. ch. 52, s. 3 P. S. ch. 50, s. 1

SECT. 15. He shall perform the duties, exercise the powers, and be subject to the obligations of a surveyor of highways as provided by statute, and shall, under the direction and control of the mayor and board of aldermen, have the general superintendence of all streets, ways, lanes, sidewalks, bridges and public squares within the city; shall cause the same to be kept in repair and safe for travel at all seasons of the year; shall make all necessary contracts for the supply of labor and materials therefor; shall have charge of the building and repairing of main drains and common sewers belonging to the city; shall keep the public streets and other avenues of the city clean and in good condition for public use, and shall forthwith notify the mayor, city marshal or board of health of any encroachments, obstructions or nuisances existing therein, and shall do all other things in relation thereto as the mayor, board of aldermen or city council may order.

Ord. 3, s. 3. Closing of streets and ways.

SECT. 16. Whenever any public street, way or bridge becomes unsafe or inconvenient for public travel, he shall forthwith, by proper barriers, shut off the portion thereof so unfit for public use and cause the same to be lighted at night, until the same is made safe and convenient for travel, and shall, whenever the public safety demands or the board of aldermen direct, cause the entrance of any private street or way opening into any public street or way to be forthwith closed up.

P. S. ch. 49, s. 95.

Ord. 3, s. 3. Superintendent of lights.

SECT. 17. He shall, unless otherwise provided, be the superintendent of lights, and shall, under the direction and control of the board of aldermen, have the care and oversight of all city lamps and fixtures, and shall see that they are properly lighted and kept in repair, except when provision is otherwise made therefor.

Ord. 33, s. 5. Care of city stable.

SECT. 18. He shall have the general care and management of the city stable, and all disbursements for supplies thereat shall be made by him or upon his order.

Hostler.

He shall employ the hostler, who shall have the immediate, entire care of the horses and harnesses.

Control of men

He shall select and employ none but competent and reliable persons for hostler and drivers, and shall forthwith discharge any of such who may be addicted to the use of intoxicating liquors, or shall at any time be found intoxicated. He shall see that the hostler and one, at least, of the drivers sleep in the engine house on Leonard street; and

in case of fire, such hostler and all such drivers shall be subject to the control and direction of the chief engineer of the fire department, or the officer in command at the fire. He shall work the city horses alternately, allowing at least three horses at all times to stand in the stable for immediate use in case of fire, and shall not permit the horses used with the fire engines to be taken so far from the stable as to cause serious delay in case of an alarm. He shall notify the committee on public property whenever repairs or improvements are needed at the stable. He may, subject to the approval of the standing committees on streets and fire department, make such rules and regulations concerning the property in his charge and the men by him employed, as he deems expedient. Smoking at the city stable shall be prohibited.

Use of horses.

Repairs.

Ord. 33, s. 6.

Rules.

Smoking.

Accounts.
Ord. 3, s. 7.

Quarterly report.

Annual report.

SECT. 19. He shall keep an exact account of the names of all persons furnishing materials or labor for his department, and of the rates for which the same are contracted, and shall lay before the board of aldermen or the city council, quarterly and whenever at other times ordered, a detailed statement thereof specifying therein, as nearly as may be, the amount expended upon each street in the several wards. He shall annually, on or before the fourth Monday in December, render to the city council a detailed report of the operations of his department during the preceding year, specifying as nearly as may be the amount expended in the several wards and

upon the several streets and ways of the city. The report shall contain a schedule showing in detail the property of the city belonging to his department at the commencement of his official year, all such property purchased or added during the year, and what disposition, if any, has been made of the same or any part thereof. It shall also contain such other information and suggestions as are necessary to a full understanding of the condition and operations of his department.

Schedule of property.

Assistants. Ord. 3, s. 5. Their districts.

SECT. 20. He may, subject to the approval of the committee on streets, appoint a sufficient number of assistants in wards five, six, seven and eight, and define the districts to which their respective duties shall appertain. He may, subject to the same approval, remove said assistants and appoint others in their places; and may change the limits of the several districts as may be found convenient. Said assistants shall each reside within their respective districts and they shall, under his direction and control, render the superintendent such assistance as he may require in the discharge of his duties. They shall notify him without delay of any defects or want of repair in the public streets or ways of the city within their respective districts; and in case of emergency shall forthwith make or cause to be made all necessary repairs, and do all other things which he could do if personally present. Said assistants shall be each responsible to the superintendent for the faithful dis-

Duties.

In emergency.

charge of their respective duties, and shall receive from
Compensation. the city a reasonable compensation for the time actually so employed.

Estimates and plans.
Ord. 3, s. 4.

SECT. 21. Whenever it is proposed to lay out any street or way, or to lay any main drain or common sewer, or whenever any change in grade or alteration is required in any public street or way, and in any case when so directed by the city council, the superintendent of streets shall make or cause to be made a full and particular estimate of the cost of the proposed work and the necessary plans therefor. He shall also ascertain, as nearly as may be, the damages which will accrue by reason of such work to abuttors or others, and report, as soon as may be, all facts, estimates and plans relating thereto to the city
Prohibition. council. He shall not change the grade or make any alteration in any public street, way or sidewalk, whereby any claim for damages may accrue against the city, without the express order of the city council; and he shall be
Liability. personally responsible for any act whereby damages may so accrue, unless the same shall have been ordered by the city council or authorized by the express vote thereof.

General duties

SECT. 22. The whole time of the superintendent shall be at the disposal of the city. He shall be duly sworn,
Bond. and shall give a bond with sufficient sureties, to the satisfaction of the mayor and board of aldermen, for the faithful discharge of the duties of his office. He shall not

in any manner, directly or indirectly, have any pecuniary interest in any purchase, contract or agreement appertaining to his department or office; and all claims and demands against the city arising in his department for labor, services or material furnished, shall be approved and certified by him, and shall be audited, allowed and paid in the same manner as other claims and demands against the city. Claims certified.

CHAPTER XXIII.

CONCERNING STREETS, OFFENCES IN.

SECTION.

1. Digging up the ground in the streets and depositing any obstructions therein, or moving buildings without written permission is prohibited.
2. Terms and conditions imposed when permission is granted.
3. Steps or basement entrances not to project into the street; hoisting over the sidewalk or street prohibited.
4. Basement ways from the street not to be kept open; water from spouts or gutters not to be cast upon persons passing on the sidewalk; no impure water allowed to flow from any building or lot over the streets or sidewalks.
5. No awnings or signs allowed to project over streets without written permit of the aldermen; gates and doors not to swing over sidewalks.
6. Excavations adjoining public streets to be enclosed.
7. Curb stones, posts, fences or buildings on the line of a street, not to be removed without notice to the mayor and aldermen.
8. Coal or wood not to be deposited upon any street or way.
9. Ashes or rubbish not to be placed in the street.
10. Street crossing not to be obstructed.
11. Obstructions on sidewalks prohibited.
12. Standing on the sidewalks, and obstructing access to buildings, or obscuring windows forbidden.
13. Removal of snow and ice on certain streets required.
14. Tenants or owners to remove snow and ice from roofs adjoining the street.
15. Immoderate driving.
16. Stands, booths or structures in the streets.
17. Stands for wood and hay designated.
18. Swine in the public streets.
19. Grazing of cattle in the streets.
20. Gaming forbidden.
21. Bathing unclothed regulated.
22. Indecent or disorderly conduct, or engaging in any games in the streets forbidden.
23. No person to catch hold of vehicles without driver's consent.
24. Protection of shade trees and lamp posts from horses.
25. Injury to trees, fences, etc.
26. Placards, show bills, etc.
27. The fire department to have right of way at fires.
28. Penalty for violation of this chapter.

Obstructions. Ord. 10, s. 1.

SECTION 1. No person shall break or dig up the ground in any public street, way, sidewalk or other public place or lands of the city: nor erect thereon any building or any staging for building, fence or other encumbrance: nor deposit thereon any stone, brick, timber or other building material: nor move any building into or along any public street, way, sidewalk or other public place, the superintendent of streets or other person under him in the exercise of their official duties excepted, without the license in writing of the mayor and aldermen first obtained upon application therefor in writing and subject to such restrictions and conditions as they may therein prescribe.

P. S. ch. 54, s. 1, 3.

Moving buildings. P. S. ch 53, s. 17.

License.

Ord. 10, s. 1. Terms and conditions of license.

SECT. 2. Every person so licensed, shall, if required by the mayor and aldermen, in writing agree to indemnify the city against all damage or loss to the city accruing from doing any act or thing under such license, and sureties may be required in their discretion; and every person who when so licensed shall obstruct or render unsafe or out of repair any public street, way, sidewalk or public place shall guard the same by a proper fence or railing and by lights during the night time, and shall within such time as the mayor and aldermen may designate, amend and repair such public street, way, sidewalk or public place, and remove all obstructions therefrom, to the acceptance of the superintendent of streets. Said license may be revoked at any time at the pleasure of the mayor and aldermen.

SECT. 3. No person shall make, erect or maintain any door, step, porch, platform, cellar way or basement entrance, extending into or being within any public street, way, sidewalk or place without license in writing of the mayor and aldermen first obtained: nor hoist material of any kind over such street, way, sidewalk or place into any building adjoining thereto, nor shall any portion of the apparatus for hoisting be operated within said streets, ways, sidewalks or places without such license.

Steps, etc. extending into street. Ord. 10, s. 3.

Hoisting.

SECT. 4. No person shall cause or suffer any cellar-way, or other basement-way under his control leading from any public street, way or sidewalk and immediate thereto, to remain open or insecurely closed, except when in present use. Nor shall any person cause or suffer any spout or gutter under his control to cast water upon passengers using such street, way or sidewalk, nor cause or suffer any sink water or other impurities to flow from a house, barn or lot owned or occupied by him into or over any such street, way or sidewalk.

Basement ways. Ord. 10, s. 3, 26.

Sinks. Ord. 10, s. 26.

SECT. 5. No person shall place or maintain any awning or shade, sign or signboard before his place of business or dwelling house over part of any public street, way or sidewalk unless the same is safely and securely supported nor unless the lowest part thereof is at least eight feet above the street, way or sidewalk, and in no

Awnings and signs. Ord. 10, s. 27.

case without the consent in writing of the mayor and aldermen, and in all cases conformable to their direction and terms of construction and subject to removal upon their order; and no person shall cause or allow any gate or door belonging to him or under his control to swing into or over any sidewalk so as to interfere with the free and convenient use thereof by travellers thereon.

Ord. 10, s. 25. Gates.

Ord. 10, s. 4. Excavation within or adjoining streets.

SECT. 6. No person shall cause or suffer any well, cistern, vault, cellar, drain or other excavation belonging to him or under his control to remain open or uncovered within or adjoining any street, way or sidewalk, or so near thereto as to endanger the safety of travellers thereon, unless the same is enclosed by a safe and sufficient fence, curb or guard.

Posts. Ord. 10, s. 28.

SECT. 7. No person shall erect or cause to be erected, nor remove or cause to be removed, any post in the public streets or ways nor change the grade or width of any street, way or sidewalk, or the position of any curbstone thereon, without the permission of the mayor and aldermen, the same to be done under the supervision of the superintendent of streets; and the mayor and aldermen may order the removal of such posts and curbstones: and no person shall erect, place or change the location of any fence or building adjoining any street, way or sidewalk, without the true bounds of such street or way having been first ascertained upon application

Curbstones.

Bounds of streets.

therefor to the mayor and aldermen, the same to be done under the supervision of the superintendent of streets.

Wood and coal. Ord. 10, s. 10.

SECT. 8. No person shall suffer his coal or wood to remain in or upon any street, way or sidewalk; and no person shall saw or pile wood on any sidewalk.

Ord. 10, s. 9. Rubbish.

SECT. 9. No person shall place or deposit or cause to be placed or deposited upon any street, way, sidewalk or other public place of the city, ashes, shavings, house dirt, filth, offal or rubbish, which shall in any wise obstruct, disfigure or discommode the use thereof.

Street crossings. Ord. 10, s. 5, 6.

SECT. 10. No person shall continue to keep any horse, carriage or other vehicle in any street or way so as to obstruct travel thereon, nor shall any person stop with any horse, team or carriage or place any other obstructions upon or across any flag stones, stepping stones or other foot walks in any street, way or public place of the city.

Obstruction of sidewalks. Ord. 10, s. 7. P. S. ch. 53, s. 15.

SECT. 11. No person shall drive, draw or transport any cart, carriage, bicycle, wheelbarrow, sled or other vehicle, excepting children's hand carriages or sleds, on any sidewalk, so as to obstruct the same; nor cause or permit any horse, ox or other cattle under his care, to pass or travel thereon, except to cross the same to enter an adjoining enclosure, nor occupy or obstruct any street, way or sidewalk with boxes, barrels, merchandise or other

things, so as to impede travel thereon or the convenient use thereof.

Obstructing sidewalks. Ord. 10, s. 22.

SECT. 12. No person shall habitually stand upon any footpath or sidewalk, so as to obstruct the free passage of travellers thereon, or expose such travellers to unnecessary annoyance or inconvenience, nor shall any person stand in group with others so as to obstruct the free passage thereon; and any person so obstructing any footway or sidewalk shall, on the request of a police officer, move on, nor shall any person by standing alone or with others upon any sidewalk, obstruct the access to any store or place of business or stairway or obscure the windows or doors thereof.

Removal of ice and snow from sidewalks. Ord. 10, s. 29.

SECT. 13. The tenant, occupant and in case there is no tenant or occupant, the owner or other person having the care of any building or lot of land bordering on any sidewalk in such streets as may be designated by the mayor and aldermen shall cause the snow and ice to be removed from such sidewalk so as to render travel thereon safe and convenient. If the snow cease falling in the day time it shall be removed within four hours after the snow ceases to fall, if the snow ceases to fall in the night time it shall be removed before eleven o'clock on the succeeding day.

Removal of ice and snow from roof.

SECT. 14. The tenant, occupant, and in case there is no tenant or occupant, the owner or other person having

the care of any building adjoining any street or way, the roof whereof slopes toward said street or way, shall cause all snow and ice to be removed therefrom, within twenty-four hours after the same shall cease forming or falling.

Immoderate driving. Ord. 10, s. 8. P. S. ch. 53, s. 13.

SECT. 15. No person shall ride or drive over any bridge or in or along any public street or way at an immoderate or dangerous rate or so as to unreasonably incommode or alarm travellers thereon.

Sales in streets Ord. 10, s. 12.

SECT. 16. No person shall place, erect or maintain in any public street, way or place or upon any lands of the city any stand, booth, tent, stall, table or other structure, for the sale or exhibition of any articles without license first obtained from the mayor and aldermen who may grant the same upon such terms and conditions as they think proper.

Sales of wood or hay. Ord. 10, s. 17

SECT. 17. No person shall expose for sale wood or hay in any street, way or public place, nor allow teams, carts or other vehicles containing wood or hay to stand or remain therein, whereby the free and convenient use thereof by travellers shall be in anywise obstructed: and the mayor and aldermen may designate certain places in the public streets, ways or places, as stands for exposing wood or hay for sale, under such rules and regulations as they may think proper.

Sale of swine in streets.

SECT. 18. No person shall expose for sale swine, in

Ord. 10, s. 15.

any street, way or public place of the city, except as the mayor and aldermen may designate. Nor cause or permit the same to feed or graze while under his charge, care or control, in any street, way, place, or common of the city.

Grazing of cattle in streets. Ord. 27, s. 1. P. S. 53, s. 10, 11

SECT. 19. No person shall cause or permit any horse, goat, cow or other neat cattle belonging to him or under his control to graze, pasture or go at large, in any street, way or public place or common of the city: but nothing herein contained shall prevent the grazing of such animals under the care of a keeper in such portions of the public streets or ways as front on the lands of the owner or keeper thereof.

Gaming. Ord. 10, s. 11.

SECT. 20. No person shall expose for sale, or use or set up for use, any table, stand, device or implements for gambling or other unlawful gaming, nor gamble or engage in any unlawful game, in any street, way or other public place of the city.

Bathing in public. Ord. 10, s. 13.

SECT. 21. No person shall bathe or swim without clothes on his person, at or in view of any public place or landing, nor in any place exposed to view from any public street, way or railroad, nor within the waters of the Taunton Great River from Neck of Land bridge to Shallow Water, between sunrise and one hour after sunset.

Disorderly conduct in streets.

SECT. 22. No person shall in any street, way, public place or common of the city, behave himself in a rude or

disorderly manner; nor use indecent, profane or insulting language; nor wilfully frighten any horse or other draught animal, nor shoot with bow and arrows, throw stones, snow balls or other missiles, nor engage in any game, sport or other amusement whereby the free, safe and convenient use thereof by travellers thereon shall in anywise be interrupted.

Ord. 10, s. 14. P. S. ch 207, s. 20, 35.

Games in streets.

Sect. 23. No person shall take hold of or ride upon any chaise, sleigh or other vehicle while the same is passing through any street, way or public place of the city without consent of the driver or owner thereof.

Disturbing drivers in streets. Ord. 10, s. 16.

Sect. 24. No person shall fasten any horse, cattle or team to any ornamental or shade tree or lamp-post in any street, way or public place or any public grounds of the city or to any fence or other structure erected for the protection thereof, whereby such tree or post shall be liable to injury.

Protection of shade trees and lamp posts Ord. 10, s. 19.

Sect. 25. No person shall injure, deface or destroy any tree, fence, guide-post, guide-board, gas-post, lamp-post, lamp or lantern thereon, or telegraph post, or light or extinguish, without authority any street light, in any street, way or public place in the city.

Injuring trees and posts. Ord. 10, s. 24.

Sect. 26. No person shall make, write, print or post any indecent or obscene marks, figures, words or signs

Placards. Ord. 10, s. 23.

P. S. ch. 203, s. 76, 78.
P. S. ch. 207, s. 15.

upon any fence, building, post, tree or other object exposed to public view, nor without the license of the mayor and aldermen first obtained, post up any placards, show-cards, handbills or posters upon any tree, fence, pole used for electric purposes, hitching post or building within any street, way or public place of the city, or upon any building, structure or lands belonging to the city.

SECT. 27. In case of fire, the Fire Department and its officers and members with their horses, machines and equipments shall have the right of way in the public streets and ways of the city, as against all persons, vehicles or animals, and no person shall hinder or obstruct them in their free passage therein, nor drive over any hose belonging to the fire department with any carriage or other vehicle, nor remove, injure or in any manner disturb the members thereof, their horses, machines, hose or equipments, when stationed, located or laid in any such public street or way, except under the direction of the officer in command thereat.

P. S. ch. 35, s. 26, 27.

P. S. ch. 203, s. 9.

Penalty.
Ord. 10, s. 30.
P. S. ch. 27, s. 15

SECT. 28. Any person offending against any provision of this Chapter shall forfeit and pay a fine not exceeding twenty dollars for each offence.

CHAPTER XXIV.

CONCERNING THE SUPERINTENDENT OF SCHOOLS.

SECTION 1. The school committee shall annually in the month of June or whenever a vacancy occurs, appoint a superintendent of public schools, who under the direction and control of said committee shall have the care and supervision of said schools with such salary as the said school committee may determine. He shall hold his office until his successor is appointed unless sooner removed.

Election. Ord. 39, s. 1. P. S. ch. 44, s 43.

Compensation.

CHAPTER XXV.

CONCERNING ABSENTEES FROM SCHOOLS.

SECTION 1. The city alms house in Taunton is hereby established and provided as a place for the confinement, discipline and instruction of any minor convicted of being an habitual truant or of any child between seven and fifteen years of age convicted of wandering about in the streets or public places of the city having no lawful employment or business, not attending school and growing up in ignorance.

Truants. Ord. 45, s. 1. P. S. ch. 48, s. 10–13.

SECT. 2. Any minor convicted under the provisions of the preceding section shall be committed to the alms

Penalty. Ord. 45, s. 2. P. S. ch. 48, s. 12–17.

house aforesaid for a term not exceeding two years, or shall be punished by a fine not exceeding twenty dollars, as the court having jurisdiction may determine.

CHAPTER XXVI.

CONCERNING THE CITY SOLICITOR.

SECTION.
1. Election of city solicitor.
2. General duties of.
3. To make annual report of business, completed and remaining unfinished.
4. Compensation of.

Election.
Ord. 29, s. 1.

SECTION 1. Annually in the month of January, or as soon thereafter as may be, and whenever a vacancy occurs, there shall be chosen by ballot by the city council in joint convention, a city solicitor who shall be a resident of Taunton, and an attorney and counsellor in the courts of the Commonwealth; he shall hold his office until his successor is elected, unless sooner removed; and shall be removable at the pleasure of the city council.

Duties.
Ord. 29, s. 2.

SECT. 2. It shall be his duty to prepare and draught all legal instruments of whatever nature, in which the city may be interested and which should be at the city's expense; to commence all suits and actions required by any ordinance or by any order of the city council or either branch thereof, in which the city may be a party in interest, and appear for the city in the prosecution or defence of all causes in which it may be interested; to appear

before the legislature of the Commonwealth or either branch thereof or any committee of the same, whenever the interests of the city so require; to give his legal opinion and professional advice on any subject relating to the affairs of the city or the duties of any of its officers, whenever required by the mayor, board of aldermen, common council, or any joint or special committee of either branch thereof, or by any officer of the city government; and generally to perform those duties appertaining to said office as the legal adviser and attorney of the city.

Report.
Ord. 29, s. 3.

SECT. 3. He shall annually, before the close of the municipal year, make a report in writing to the city council of all suits or legal proceedings in which the city is interested, begun, pending or determined during the year next preceding the time of making said report, and of all other unfinished business in his department, with such other information in relation thereto as the city council may direct or the interests of the city may require.

Compensation.
Ord. 29, s. 1.
Chapt. 18, s. 1.

SECT. 4. He shall receive such annual compensation as the city council shall determine, and in addition thereto his reasonable travelling expenses, whenever his services are required out of the city.

CHAPTER XXVII.

CONCERNING TELEGRAPH, TELEPHONE OR OTHER ELECTRIC WIRES.

SECTION.
1. Locating electric wires in the streets by the mayor and aldermen; plan to be filed with the city clerk.
2. Construction of poles, etc.
3. Employees to have certificates of authority.
4. Supervision of same to be exercised by the superintendent of fire alarm telegraph, who shall see that this ordinance is enforced.
5. Penalty.

Location of wires.
P. S. ch. 27, s. 47.
P. S. ch. 28, s. 4
P. S. ch. 109, s. 3

SECTION 1. Whenever the mayor and aldermen are applied to for a location of telegraph, telephone or other electric lines, they shall first determine the streets through which said lines shall run, and shall then require the company or person so applying to furnish a plan of the streets so designated therefor upon a scale of one hundred and fifty feet to the inch: and the mayor and aldermen shall then determine and specify on said plan where each post shall be located and shall thereupon issue to the party applying therefor a certificate specifically enumerating the streets where lines may run and the location of each post thereon as exhibited by said plan, the kind of posts and the height at which all wires must be placed. Said plan and a copy of the certificate so made shall be filed in the office of the city clerk; and the construction of the line shall conform thereto in every particular and any post placed otherwise than therein designated shall be forthwith removed.

Construction.

SECT 2. Every such line of wire along or across streets, ways or other public places shall be placed under ground or at a height not less than twenty feet from the ground, the posts supporting the same shall be kept painted and of uniform color and every such line of wire shall be so constructed, placed and maintained as not to interfere with any other line nor with the operations of the fire department or the fire alarm telegraph, and all dead or unused lines of wire shall be forthwith removed.

Employee's certificate.

SECT. 3. Every employee, official or agent in the employ of any telegraph, telephone or electric company shall be furnished by the company with a certificate of his authority to act therefor, which shall be shown whenever access is desired to any premises and no such employee, officer or agent who refuses or fails to exhibit such certificate, shall enter upon any premises within this city upon any business of the company appertaining to the laying or repairing of lines over, through or along said premises.

Supervision.

SECT. 4. The superintendent of the fire alarm telegraph shall have the supervision of all telegraph, telephone or other electric lines of wire within the city and shall see that all laws and ordinances relating thereto are enforced.

Penalty.

SECT. 5. Whoever violates any of the provisions of this chapter, shall forfeit and pay a fine not exceeding twenty dollars for each offence.

CHAPTER XXVIII.

CONCERNING WARRANTS.

SECTION.
1. The form of warrants.
2. The form of warrants at general meetings.
3. Warrants, by whom issued and how signed and served; meetings, when opened and closed.

Ord. 2, s. 1.
P. S. ch. 27, 54.
Ordinary form.

SECTION 1. The form of warrants for calling meetings of the citizens of the several wards, shall be as follows:

CITY OF TAUNTON.

To the City Marshal or either of his Assistants or either of the Constables of said city, GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required forthwith to warn the citizens of Ward No. — qualified to vote as the law directs, to assemble at ——— on the ——— day of ——— at ——— o'clock in the ——— noon, and from that time until ——— o'clock in the ——— noon, then and there to give in their ballots for ———

Hereof fail not, and then have you there this warrant with your doings thereon.

Witness, ——— ——— Mayor of our City of Taunton, this ——— day of ——— in the year of our Lord one thousand eight hundred and eighty- ——

{ CITY SEAL. }

By order of the Mayor and Aldermen.

——— ——— *City Clerk.*

General meetings.
Ord. 2, s. 2.
P. S. ch. 27, s. 54
Rev. Char. s. 21

SECT. 2. The form of warrants for calling general meetings of the citizens, shall be as follows:

CITY OF TAUNTON.

To the City Marshal or either of his Assistants or either of the Constables of said city, GREETING:

In the name of the Commonwealth of Massachusetts, you are required forthwith to warn the citizens of Taunton qualified to vote as the law directs, to assemble in general meeting at ——— on ——— the ——— day of ——— at ——— o'clock in the ——— noon, then and there to ———

Hereof fail not, and then have you there this warrant with your doings thereon.

Witness, ——— ——— Mayor of our City of Taunton, this { CITY SEAL. } ——— day of ——— in the year of our Lord one thousand eight hundred and eighty- ——

By order of the Mayor and Aldermen.

——— ——— *City Clerk.*

Warrants: their service. Ord. 2, s. 3. Rev. Char. s. 6.

SECT. 3. All warrants, calling general or ward meetings, shall be issued by the mayor and aldermen, witnessed by the mayor, or in his absence by the chairman of the board of aldermen, and signed by the clerk; and shall be served seven days at least before the holding of such meetings by any officer to whom they are directed, by posting copies thereof in such public places, or by publishing the same in one or more newspapers of the city, as the mayor and aldermen direct. The officer serving such warrant shall seasonably return the same with his doings thereon to the city clerk, if it be for a general meeting, otherwise to the warden of the ward named therein; and all warrants calling meetings for the

Return of.

Warrants to state time of opening and closing polls.

Ord. 2, s. 4.
P. S. ch. 7,
s. 1, 2.
Rev. Charter,
s. 18, 19.

election of national, state, district and county officers shall specify the time when the polls shall be opened and closed, that the polls shall be kept open at least two hours, and that such officers shall be voted for on one ballot.

CHAPTER XXIX.

CONCERNING THE WATER WORKS.

SECTION.
1. Election of water commissioners.
2. Organization of board; choice of a clerk; general duties of the board; compensation; agents; tariff of water rates.
3. General duties of clerk of the board.
4. The board or their agent may enter premises of water takers to examine apparatus, etc.
5. The board to examine all bills and certify if correct.
6. Unauthorized use of water forbidden; penalty therefor.
7. Plumbers and pipe fitters to be licensed by the board; to give bonds; the work of unlicensed persons to be inspected by the board at the cost of the water taker; penalty.
8. Financial year to begin December 1st; annual report to be made in the month of December.

Board of water commissioners
Ord. 49, s. 2.
St. 1875, ch. 217, s. 6.

SECTION 1. The board of water commissioners as heretofore established by virtue of the two hundred and seventeenth chapter of the acts of the year one thousand eight hundred and seventy-five entitled, "An act to provide the city of Taunton with pure water" is hereby continued with all the powers and subject to all the provisions of said act, and the acts in addition thereto, and

Election.

there shall be annually chosen in the month of January and whenever any vacancy occurs by the city council in convention one commissioner for the term of three years or the residue of said term as the case may be and until

his successor is chosen, who shall be duly sworn to the faithful discharge of the duties of the office.

SECT. 2. The said commissioners shall annually as soon as may be, after the election of a commissioner, meet and organize as a board by the choice of one of their number as a president, and they shall annually, and whenever a vacancy occurs make choice of a clerk, not a member of said board, subject to removal by said board, who shall be duly sworn and shall give bond with sureties, approved by the board for the faithful discharge of the duties of his office and said bond shall be forthwith filed in the office of the city clerk; said board shall superintend and direct the execution and performance of all works, matters and things mentioned in the first three sections of said act or in any act in amendment thereof or additional thereto, subject to such ordinances, rules and regulations as the city council may establish and shall appoint and employ all necessary assistants and agents and remove the same at pleasure and fix their compensation, excepting the clerk of the board who shall receive such compensation as the city council may determine. Said board may prescribe rules and regulations for the inspection, materials, construction, alteration or use of water pipes and water fixtures subject to the revision or revocation of the city council but shall not exercise the power of imposing penalties therefor, and they may determine and establish from time to time a tariff of water rates

Organization of board. Ord. 49, s. 3.

President.

Clerk.

Bonds.

General duties. St. 1875, ch. 217, s. 5.

Agents.

Compensation.

Rules and regulations. P. S. ch. 27, s. 16, 17.

Tariff of rates. Ord. 49, s. 6.

and make such rules relating thereto as the interests of
Ord. 49, s. 4. the city require. Said board shall have charge of, and exercise a general supervision over the water works and all the property, material and appurtenances thereto belonging, and are authorized to make all necessary repairs for the effectual distribution of pure water under the provisions of said acts, subject always to the rules and orders of the city council.

Clerk.
Ord. 49, s. 5.

SECT. 3. The clerk shall be the recording officer of the board and under the direction of the board shall have the care and custody of all books, plans, documents and other appurtenances of the office of the board. The works
Title: "Taunton Water Works." Ord. 49, s. 1. in charge of said board shall bear the designation of "The Taunton Water Works" and the clerk shall keep in a neat and methodical manner and as the board may direct
Books. a complete set of books, and shall enter therein under appropriate headings all receipts and expenditures of said water works. He shall keep suitable books wherein shall be entered the names of all persons taking water,
Entry books. the buildings into which entries are made and brief descriptions thereof so far as appertains to such entries, with the name of the street and the numbers thereof and the uses to which water is applied, the number of taps and the amount of rates charged, with the amount and circumstances of any abatement thereof. Said books shall always be open to the inspection of the board and the city council, or either branch or any committee thereof.

He shall make out and collect all bills for the use of water and all accounts and moneys due the water works, and shall pay over all sums of moneys so received on the last Saturday of each month, and oftener at his convenience to the city treasurer who shall place the same to the credit of the Taunton water works. He shall see that the rules and regulations of the board and of the city council relating to the use of water are strictly observed and fully enforced, and shall perform such other services appertaining to his office as may be required of him by the board or city council.

Bills and accounts.

Payment to city treasurer.

Enforcement of rules.

SECT. 4. The board or their clerk or agents as they may direct, may enter upon the premises of any water taker to examine the water fixtures or other apparatus, to ascertain the use of water thereon and the amount thereof used, the waste of water thereon, and shall use all suitable means to prevent the waste and unauthorized use of water supplied from said water works; but any officer or agent of the board, entering upon any premises shall show upon his first entry thereof and afterwards if requested, a written permit from said board authorizing such entry.

Ord. 49, s. 7. Entry on premises of takers.

SECT. 5. The board shall examine all accounts, bills or claims against the water works, and if found by them correct and justly due and in proper form they shall certify the same in writing for payment. And the com-

Auditing of bills. Ord. 49, s. 11.

mittee on accounts shall allow no accounts, bills or claim against the water works unless so certified.

Unauthorized use of water works. Ord. 49, s. 8.

SECT. 6. No person shall injure any public reservoir, conduit, pipe, hydrant, fountain or watering-trough connected with the Taunton water works, nor break and enter the same nor draw or cause to be drawn any water therefrom; nor turn on or off the water in any such reservoir, conduit, pipe, fountain or watering-trough nor make any opening or connection therewith without the license or authority of the board. Nor open or close any hydrant except by authority of the board or of the chief engineer of the fire department, cases of fire excepted. Nor in case of fire except by authority of the officer of the fire department then and there in command or under his direction. Whoever violates any provision of this section shall for each offence forfeit and pay a sum not exceeding twenty dollars.

Case of fire.

Penalty.

License to Plumbers, etc. Ord. 49. s. 9.

SECT. 7. The board are authorized to license plumbers and pipe-fitters to make connection with any water-pipe or hydrant and to do work necessarily connected therewith, provided that every person applying for such license shall give a bond in the sum of five hundred dollars satisfactory to the board, binding himself to conform to the rules and regulations of said board and to save harmless the city from all damage or expense accruing from his negligence or defective work, and plumbing or pipe

Bond.

fitting work, done in connecting with any water-pipe or hydrant by other than a person duly licensed as aforesaid shall be subject to inspection by the board or its agents at the applicants expense before water is let on. No person shall make any connection as aforesaid without being licensed as aforesaid, or without an order from the board granting the same. Any person violating the provisions of this section shall for each offence forfeit and pay a sum not exceeding twenty dollars.

Inspection.

Connections unauthorized forbidden.

Penalty.

SECT. 8. The financial year in all matters relating to the water works shall begin on the first day of December, and the books and accounts shall be made to conform thereto, and the board shall during the month of December make report of their doings for the year preceding and of the condition of the water works, with such details and recommendation relating thereto as they may deem proper and shall further report at such times and upon such matters relating thereto as the city council may order.

Financial year. Ord. 49, s. 12.

Annual report. Ord. 49, s. 13.

CHAPTER XXX.

CONCERNING THE REVISED ORDINANCES.

SECTION.
1. Revised ordinances and repeal of old ordinances to take effect January 1, 1883.
2. Limitation of repeal; corresponding provisions to be continuous.

Adoption of revised ordinances.

SECTION 1. All the foregoing ordinances having been revised and compiled under the direction and supervision of a joint special committee of the city council, are hereby declared to be the ordinances of the city of Taunton, and shall take effect as such on the first day of January in the year eighteen hundred and eighty-three, and all other ordinances heretofore passed by the city council are hereby repealed, but such repeal shall not take effect until said revised ordinances take effect as above set forth.

Repeal of former ordinances.

Limitation of repeal.

Repeal not to revive previous ordinances.

SECT. 2. The repeal of all prior existing ordinances, or any clauses, parts or provisions thereof, shall not revive any former ordinance or any clause or provision therein repealed by such prior existing ordinance. Said repeal shall not affect any act done, any right accrued, accruing or established, the tenure of office of any person holding office at the time these ordinances take effect, or any forfeiture or penalty heretofore incurred under and by virtue of any prior existing ordinance; and these ordinances are intended and are hereby declared to be a continuation of the ordinances hereby repealed, so far as the foregoing ordinances conform to such ordinances so repealed, the

Corresponding provisions to be a continuation of old ordinances.

foregoing ordinances being intended for and being a revision and compilation of all the ordinances of the city of Taunton.

IN COMMON COUNCIL, Dec. 29, '82.

Passed to be ordained.

(Signed.) WM. F. KENNEDY,
President of Common Council.

IN BOARD OF ALDERMEN, Dec. 29, 1882.

Passed to be ordained and approved.

(Signed.) CHARLES F. JOHNSON, *Mayor.*

JOINT RULES AND ORDERS OF THE CITY COUNCIL.

COMMITTEES.

SECTION 1. The following joint standing committees shall be annually appointed by the presiding officer of each branch, namely:

1. *Finance.* To consist of the mayor, one alderman, the president and four members of the common council.

2. *Accounts.* To consist of two aldermen and three members of the common council.

3. *Public Property, including Burial Grounds.* To consist of two aldermen and three members of the common council.

4. *Street Lights.* To consist of two aldermen and three members of the common council.

5. *Printing.* To consist of one alderman and two members of the common council.

6. *Public Instruction.* To consist of the mayor, two aldermen and three members of the common council.

7. *Claims.* To consist of the mayor, one alderman and three members of the common council.

8. *Ordinances.* To consist of the mayor, one alderman and three members of the common council.

9. *Water Works.* To consist of the mayor, one alderman, the president and three members of the common council.

10. *Fire Department.* To consist of two aldermen and three members of the common council.

SECT. 2. The mayor or alderman first named on every joint committee shall be its chairman; in case of the resignation, absence, or inability of the chairman, the other members in the order in which they are named respectively shall act as chairman. Meetings of committees may be called by the chairman, or by the city clerk, upon the written request of three members of the committee.

SECT. 3. Joint standing committees shall cause records to be kept of their proceedings in books provided by the city for that purpose. No committee shall act by separate consultation, and no report shall be received unless agreed to in committee actually assembled.

SECT. 4. No chairman of any committee or board shall audit or approve any bill or account against the city for any supplies or services which shall not have been ordered or authorized by the committee or board, except as provided by ordinance.

SECT. 5. All joint committees may report by ordinance, resolve or otherwise, and may make their reports to either branch thereof.

ORDINANCES, ORDERS AND RESOLVES.

SECTION 6. In all votes when either branch expresses anything by way of command, the form of expression shall be "*Ordered*," and when either branch expresses opinions, principles, facts or purposes, the form shall be "*Resolved*."

SECT. 7. In every case of an ordinance or joint resolution or joint order or an amendment thereof agreed to in one

board, and dissented from by the other, a conference may be had at the request of either. Committees of conference shall consist of three members on the part of each branch of the city council, representing its vote, and the committee appointed for the purpose shall meet as soon as convenient, state the views of the two boards for and against the measure or amendment, and confer freely thereon. The report, in writing, shall be first presented to the board asking for a conference.

SECT. 8. Either board may propose to the other for its concurrence a time to which both boards shall adjourn.

SECT. 9. No vote by which a joint order or resolution or ordinance has been passed in its final stage shall be reconsidered by either board after the same has been finally acted upon in the other board, unless a motion for reconsideration be made, or notice thereof be given, at the same meeting at which the vote on its final stage be passed.

SECT. 10. All messages between the two boards shall be reduced to writing by their respective clerks, and transmitted by them or through the messenger.

SECT. 11. When the two boards are both in session it shall be the duty of each before adjourning to give notice of their intention so to do, to the other branch of the city council.

SECT. 12. When a convention of the two branches of the city council has been agreed upon for any specific purpose, no other business shall be transacted in said convention unless by unanimous consent.

SECT 13. Whenever an ordinance, order, resolution or vote shall be passed by the board of aldermen, or by the concurrent vote of the board of aldermen and common council, which is required by law to be presented to the mayor, the city clerk shall present the same after its passage, without unnecessary delay, and shall enter upon the record of the board of aldermen the day on which the same was presented and approved.

RULES AND ORDERS OF THE BOARD OF ALDERMEN.

MEETINGS, QUORUM, PROCEEDINGS.

SECTION 1. Regular meetings of this board shall be held on the first Wednesday evening in each month — legal holidays excepted — when such meeting shall be held on the second Wednesday in the month. At all meetings a majority shall constitute a quorum for the transaction of business.

SECT. 2. The mayor shall, at the hour appointed for the meeting, call the members to order, and a quorum being present, shall cause the records of the preceding meeting to be read. In the absence of the mayor or at his request, the chairman of the board shall preside; and in the absence of both, a chairman *pro tempore* shall be chosen. He shall preserve decorum and order; may speak to points of order in preference to members; shall decide all questions of order, subject to an appeal to the board by motion regularly seconded, and no other business shall be in order till the question on the appeal shall have been decided. He shall declare all votes; but if any member doubt the vote, the chair without further debate upon the question, shall require the members voting in the affirmative and negative, respectively, to rise and stand until they are counted, and he shall then declare the result, but no such declaration shall be made unless a quorum of the board shall have voted.

SECT. 3. The mayor may, in the absence of the chairman of the board, call upon any member to preside.

SECT. 4. On all questions and motions, the chair shall take the sense of the board by yeas and nays, whenever any two members present shall so request.

SECT. 5. The chair shall propound all questions in the order in which they are moved unless the subsequent motion shall be previous in its nature; except that in naming sums and fixing times the largest sum and the longest time shall be first put; and when a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the following order:

1. To a standing committee of the board;
2. To a select committee of the board;
3. To a joint standing committee of the city council;
4. To a joint select committee of the city council.

SECT. 6. After a motion is stated or read by the chair, it shall be deemed to be in possession of the board, and shall be disposed of by vote; but the mover may, by unanimous consent, withdraw it at any time before a decision or amendment.

SECT. 7. When a question is under debate the chair shall receive no motion except to adjourn—to lay on the table—the previous question—to postpone to a day certain—to commit—to amend—or to postpone indefinitely; which several motions shall have precedence in the order herein stated, and the first three shall be decided without debate. He shall put the previous question in the following form: "Shall the main

question be now put?"—and all further amendments or debate of the main question shall be suspended, until the previous question be decided.

SECT. 8. When two or more members rise at the same time, the chair shall name the member who shall first be heard.

RIGHTS AND DUTIES OF MEMBERS.

SECT. 9. Every member when about to speak shall rise and respectfully address the chair; shall confine himself to the question under debate and avoid personalities.

SECT. 10. No member speaking shall be interrupted by another but by rising to a point of order or for explanation.

SECT. 11. No member shall be permitted to vote on any question, or serve on any committee, where his private interest is immediately concerned, distinct from that of the public; and every member, except as above, who shall be in the board when a question is put, *shall vote*, unless the board for special reasons excuse him.

SECT. 12. A question having been taken, it shall be in order for any member to move a reconsideration thereof at the same meeting, or at the next succeeding meeting, if a notice to that effect shall have been given at the previous meeting; but only one motion for the reconsideration of any vote shall be entertained.

ORDER OF BUSINESS.

SECT. 13. At every regular meeting of the board the order of business shall be as follows:

1. Reading of the record.
2. Communications from the mayor.
3. Papers from the common council.
4. Communications and reports from city officers.
5. Presentation of petitions, memorials and remonstrances.
6. Reports of committees.
7. Unfinished business of preceding meetings.
8. Motions, orders or resolutions.

The above order of business shall not be departed from, except by vote of a majority of the members of the board present.

SECT. 14. All petitions for appointments that are made upon nomination of the mayor and confirmation of the board, shall, when received, be referred to the mayor without debate.

COMMITTEES.

SECT. 15. There shall be appointed standing committees as follows:

1. A committee on Police and Licenses, to consist of the mayor and two aldermen.

2. A committee on Elections and Returns, to consist of three aldermen.

3. A committee on Streets and Bridges, to consist of the mayor and three aldermen.

4. A committee on Armory and Military Aid, to consist of three aldermen.

5. A committee on Drains and Sewers, to consist of the mayor and three aldermen.

6. Such committees on the part of this board as may be required by the joint rules and orders of the city council.

SECT. 16. All committees shall be appointed and announced by the mayor, except such as the board of aldermen shall determine to elect by ballot.

ORDINANCES, RESOLUTIONS AND ORDERS.

SECT. 17. Every ordinance and all resolutions and orders which impose penalties, or involve the raising, appropriation or expenditure of money, shall have two several readings before they shall be finally passed; and no ordinance, nor any order or resolution authorizing a loan, shall have more than one reading on the same day, except under a suspension of this section.

DUTIES OF THE CLERK.

SECT. 18. In the absence of the mayor and the chairman of the board, the clerk, and in his absence the senior member present, shall call the board to order, and preside until a chairman *pro tempore* shall be chosen.

The clerk shall attend and keep the records of all meetings of the board, record the names of the members present, and have the care and custody of the city records, and of all documents, maps, plans and papers appertaining to the proceedings of the board when no other provision is made therefor.

He shall, whenever requested by the mayor or chairman, read such ordinances, orders, resolutions, petitions or other papers as may be presented, for the information of the board.

In the absence of the clerk, a clerk *pro tempore* shall be chosen by the board, who shall be sworn to the faithful performance of his duties.

ALTERATION OR SUSPENSION OF RULES AND ORDERS.

SECT. 19. No standing rule or order of this board shall be suspended unless two-thirds of the members present shall consent thereto; nor shall any rule or order be repealed or amended without at least one day's notice being given of the motion therefor, nor unless a majority of the whole board shall concur therein.

RULES AND ORDERS OF THE COMMON COUNCIL.

MEETINGS.

SECTION 1. Regular meetings of the council shall be held on such evening in each month as shall be fixed by a standing order of the council.

DUTIES OF THE PRESIDENT.

SECT. 2. The president shall take the chair at the hour to which the council has adjourned, or been called together; he shall call the members to order, and on the appearance of a quorum, proceed to business.

SECT. 3. In the absence of the president, the senior member present shall call the council to order, and preside until a president *pro tempore* is chosen by ballot. If no member receives a majority of the votes on the first ballot, upon the second a plurality shall elect.

SECT. 4. He shall preserve order and decorum; he may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the council, on the motion of any member, regularly seconded.

SECT. 5. He shall declare all votes; but if any member doubt the vote, the president, without further debate, shall

require the members voting in the affirmative and negative to rise and stand until they are counted, and shall then declare the result.

SECT. 6. He shall rise to address the council or to put a question, but may read sitting.

SECT. 7. The president may call any member to the chair, who may preside for one meeting. When the council decides to go into committee of the whole, the president shall appoint the chairman. The president may express his opinion on any subject under debate only by leaving the chair, and appointing a member to take it; and in such case he shall not resume the chair while the question is pending, provided the same is taken previous to adjournment. But the president may state facts and give his opinion on questions of order, without leaving his place.

SECT. 8. He shall propound all questions in the order in which they are moved, unless the subsequent motion is previous in its nature; except that in naming sums and fixing times to fill blanks, the largest sum and the longest time shall be put first.

SECT. 9. When a question is under debate, the president shall receive no motion but—

To adjourn,
To lay on the table,
For the previous question,
To postpone to a day certain,
To commit,
To amend, or
To postpone indefinitely;

which several motions shall have precedence in the order in which they are arranged.

SECT. 10. The motion to adjourn, when to adjourn simply, the motion to lay on, or take from the table, for the previous question, and for the yeas and nays, shall be decided without debate.

SECT. 11. He shall put the previous question in the following form:—"*Shall the main question be now put?*" and all debate upon the main question and pending amendments shall be suspended until the previous question is decided. After the adoption of the previous question, the vote shall forthwith be taken upon pending amendments in their regular order, and then upon the main question.

SECT. 12. All incidental questions of order arising after a motion is made for the previous question, shall be decided without debate, except on an appeal; and on such an appeal no member shall be allowed to speak more than once without leave of the council.

SECT. 13. When two or more members rise at the same time the president shall name the member who is to speak first.

SECT. 14. All committees shall be appointed and announced by the president, unless otherwise provided for, or especially directed by the council.

SECT. 15. In all cases the president may vote.

RIGHTS AND DUTIES OF MEMBERS.

SECT. 16. At every regular meeting of the council, the order of business shall be as follows, viz:

1. Calling the roll of members.
2. Reading the journal of the previous meeting.
3. Papers from the board of mayor and aldermen.
4. Unfinished business of preceding meetings.
5. Communications and reports from city officers.
6. Presentation of petitions, memorials and remonstrances.
7. Reports of committees.
8. Motions, orders or resolutions.

The above order shall not be departed from but by a vote of a majority of the council present.

SECT. 17. When a member is about to speak in debate or deliver any matter to the council he shall rise in his place and respectfully address the presiding officer; shall confine himself to the question under debate, and avoid personalities. He shall sit down as soon as he is done speaking.

SECT. 18. No member in debate shall mention another member by name, but may describe him by some designation intelligible and respectful.

SECT. 19. No person shall be interrupted while speaking, but by a call to order. When a member is called to order, he shall immediately sit down, unless permitted to explain; and the council, if appealed to, shall decide on the case without debate; and if the decision is against the member, he shall not be permitted to speak, unless by way of excuse for the same, until he has made satisfaction.

SECT. 20. During debate if objection is made thereto, no member shall speak more than twice to the same question without leave of the council, nor more than once until all other members choosing to speak, have spoken.

SECT. 21. The vote on all questions shall be taken by yeas and nays, when one-third of the members present are in favor of it.

SECT. 22. Every motion shall be reduced to writing if requested by the president or any member of the council.

SECT. 23. Any member may require the division of a question when the sense admits of it.

SECT. 24. When a vote has passed it shall be in order for any member to move a reconsideration thereof at the same meeting, but not afterwards; but when a motion for reconsideration is decided, that vote shall not be reconsidered.

SECT. 25. No rule or order of the common council shall be suspended unless three-fourths of the members present consent thereto; nor shall any rule or order be repealed or amended without giving notice thereof at the preceding meeting, nor unless a majority of the whole council concur therein.

SECT. 26. The reading of any paper, when objected to, shall be determined by a vote of the council.

SECT. 27. The seats of the council board shall be numbered, and assigned by lot; and no member shall change his seat but by permission of the president.

SECT. 28. No member shall be allowed to vote or serve on any committee, on any question where his private right is concerned.

SECT. 29. The members of the council shall not leave their places on adjournment until the president declares the council adjourned.

SECT. 30. All salaried officers shall be chosen by ballot.

SECT. 31. All memorials and other papers addressed to the council, shall be presented by the president, or by a member in his place, who shall explain the subject thereof, and they shall be disposed of in the order in which they are presented, unless the council otherwise directs.

SECT 32. Standing committees shall be appointed on the following subjects, viz:—on elections, on bills in the second reading, and on enrolled bills, each to consist of three members.

SECT. 33. It shall be the duty of the committee on bills in the second reading to carefully examine all bills which pass to the second reading, to see that they are in technical form, and that their provisions are not repugnant to the laws and constitution of the Commonwealth, or to the charter and ordinances of the city.

SECT. 34. Ordinances, resolutions and all orders which impose penalties, or involve the raising, appropriation or expenditure of money, shall have two several readings before

they are finally passed by the council: and no ordinance, resolution, or such order, except an order for printing, shall have more than one reading on the same day, except under a suspension of this section.

SECT. 35. No committee shall sit during the meeting of the council without special leave.

DUTIES OF CLERK.

SECT. 36. The clerk shall keep minutes of the votes and proceedings of the council, and enter thereon such orders and resolutions as are adopted; shall notice reports, petitions, memorials, and other papers which are presented, and shall enter all accepted reports of select committees of the council at length, in a separate journal to be kept for that purpose, and provided with an index; shall furnish the chairman of every committee with the names of the members comprising the same, and shall attend the meetings of the committees of the council, and make their record, when required.

SPECIAL ACTS.

SPECIAL ACTS.

AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND THE NEWMASKET RIVER.

Act of 1855, Chapter 401.

SECTION 1. From and after the passage of this act it shall not be lawful for any person or persons to catch shad or alewives in any manner, in Taunton Great River or in Newmasket River from the first day of March to the tenth day of June, including both of said days, in each year, except as hereinafter provided in this act.

Catching shad or alewives prohibited at certain seasons

SECT. 2. The several cities and towns hereafter in this section named shall, annually, in legal meeting to be held for that purpose, on or before the fifteenth day of November in each year, sell at public auction, to the highest bidder, who shall give satisfactory security for the payment therefor, for the benefit of said cities and towns respectively, the privilege of taking shad and alewives in Taunton Great River between the days aforesaid, and including those days, in the year next succeeding such sale, with the number of seines following: the city of Fall River and town of Freetown may each sell the privilege of fishing with one seine for the purpose aforesaid; the towns of Somerset, Dighton, Berkley and Raynham may each sell the privilege of fishing with two seines for the purpose aforesaid; and the town of Taunton may sell the privilege of fishing with three seines for the purpose afore-

Fishing privileges sold at auction. (Amended by Act 1866, Chap. 54. Act 1875, Chap. 71.)

Number of seines.

Location of privileges. (Amended by Chap. 208, Acts of 1876.)

said; which privileges of fishing shall be sold separately, and the purchaser or purchasers thereof may locate and use the privilege or privileges by him or them obtained at any such sale, at any place upon said Taunton Great River, which he or they may select or procure, with the consent of the owner or owners of the shore on which such location or locations may be made.

Length of seines.

SECT. 3. No seine that shall be used for the purpose of fishing in said Taunton Great River, in the towns of said Taunton and Raynham, and in the towns of Dighton and Berkley above Rocky Point, shall be more than twenty rods in length; and no seine that shall be used for such purpose in said towns of Berkley and Dighton, below Rocky Point, shall be more than thirty-five rods in length; and no seine that shall be used for such purpose in the towns of Somerset, Freetown, or the city of Fall River, shall be more than forty rods in length. And no shad or alewives shall be taken by any instrument or means at any time within one mile and a half of the dam near "King's Bridge" so called, in Squawbetty village.

Limits of fishing privileges, etc.

SECT. 4. No seine shall be allowed to be set or remain in said Taunton Great River for any longer time than is necessary to cast the same and haul it immediately to the shore. And no seine or other obstruction, to hinder the fish going up, shall be put in the river below the dam at Squawbetty village, during the time not allowed for fishing, hereinafter mentioned. And all locations that shall be made on the shore of said river for the purpose of fishing, shall have the upper and lower limit thereof designated by some proper

object on the shore, which shall not be changed during any one fishing season; and such locations shall be forty rods in length above Rocky Point and forty-five rods in length below Rocky Point. And no seine shall be swept without the compass of two parallel lines down, the one from a point ten rods above the upper limit, and the other from a point ten rods below the lower limit, of all locations above Rocky Point, and at right angles with a line drawn from such upper and lower limits, or without the compass of two parallel lines drawn, the one from a point thirty rods above the upper limit, and the other from a point thirty rods below the lower limit, of all locations below Rocky Point, and at right angles with a line drawn from such upper and lower limits, — all said distances above and below to be measured on the shore of said river. And no seine shall be swept more than fifty rods in the river above Rocky Point, or more than seventy-five rods in the river below Rocky Point, at any one sweep.

Days of fishing (Repealed by Chap. 208, Acts of 1876.)

SECT. 5. No shad or alewives shall be taken in any part of Taunton Great River or the Newmasket River, between the hours of nine o'clock on Friday evening of each week, and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June, in each year, hereafter, including both of said days; and no shad or alewives shall be taken in Taunton Great River above Berkley and Dighton bridge, between the hours of twelve o'clock in the night following Thursday of each week, and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June, in each year, including both of said days.

Purchasers to file certificate of location.

SECT. 6. The several purchasers of the privileges aforesaid shall select the place where they intend to use the same for the purpose of catching shad and alewives, and shall file a certificate of such selection and the location thereof, with the clerk of the city or town within which such location shall be made, on or before the first day of March in each year hereafter. And the purchaser or purchasers so locating said privileges, shall have the right to catch shad and alewives in said Taunton Great River for the time named in the first and fifth sections of this act, at their respective locations to be made as aforesaid, and no other persons except the assistants of such purchaser or purchasers.

Duty of fish warden in regard to violations of this act

SECT. 7. No person shall set any seine, net, weir or other hindrance or obstructions in or across said river, or any part thereof, or in any of the waters connected therewith, except in the mouth of Broad Cove, so called, in the towns of Dighton and Somerset; nor shall any person at any place on said waters, drive or pursue with any boat or boats, contrary to the intent and meaning of this act, any shad or alewives; nor shall any person whip or beat the said waters with any instrument or thing, or throw into said waters any earth or other substance or thing, whereby said fish shall be hindered, disturbed, driven, destroyed or delayed, during the time named in the first section of this act. And if any person shall be found fishing with any seine, net or other instrument, contrary to the provisions of this act, and if any person shall be found having or conveying away in any building, boat or vessel or in any cart or other vehicle, any fish taken in violation of the provisions of this act, knowing the same to be so taken, it shall be lawful for any fish warden, chosen

in pursuance of the ninth section of this act, to enter any such building and take to his own use all such fish and any such seine, net or other instrument, any such boat, vessel, cart or other vehicle, without any warrant other than is given by the provisions of this section.

Right of fishing on Newmasket River.

SECT. 8. The inhabitants of the towns of Middleboro and Lakeville, shall have the whole control and management of the fisheries on the Newmasket River, and shall have the right to catch, by their committees or their agents, duly chosen in legal meetings, or to sell the right of catching, shad or alewives by set nets or dip nets, during the time named in the first section of this act, at any three places within the limits of said towns, to be designated for each year by said towns in legal meetings, each of such rights to be used only from four o'clock on Monday morning to nine o'clock on Friday evening of each week, and at no other time or places during the period named in said first section. And the net proceeds of such fishery or sales shall be divided between the said towns of Middleboro and Lakeville, in proportion to the number of ratable polls in each respectively, and the respective parts of such proceeds shall be disposed of by said towns respectively, in such manner and for such purposes as each town shall for itself determine and direct.

Proceeds, how disposed of.

Choice of fish wardens. 16 Gray, 288.

SECT. 9. The several towns aforesaid, at their annual meeting in March or April, and the mayor and aldermen of any city upon said river, at any meeting shall choose by ballot, each three or more persons for fish wardens, whose duty it shall be to see that this act is enforced, and prosecute for all breaches or violations thereof; and each fish warden so

To be sworn.

chosen shall be sworn to the faithful discharge of his duty by the clerk of any city or town in which he shall be chosen, within ten days after his election; and said clerk shall make record thereof; and such fish wardens, when duly sworn, are authorized to measure seines and locations, and to pursue the duties of their office in any place, and to enter any building where they have good cause to believe any fish taken in violation of this act, are kept.

Penalty for neglect.

And if any person chosen fish warden as aforesaid shall neglect, for the space of ten days after his election, being notified thereof, to take the oath aforesaid, he shall forfeit and pay, to the use of the town or city in which he was so elected or chosen, a fine of ten dollars, to be recovered in an action of tort, in the name of the treasurer of such town or city, and the town or city shall proceed to fill the vacancy created by such refusal to be qualified as aforesaid; and if

Penalty for neglect of towns, etc.

any of said towns or city shall neglect to chose fish wardens as aforesaid, or to make sale of their privileges as aforesaid, such town or city shall forfeit and pay a fine of one hundred dollars, to be recovered in an action of tort, to the use of any person who shall sue for the same.

Fishway to be kept open.

SECT. 10. The proprietors of the mills and dam at King's Bridge, in Squawbetty Village, and all other proprietors of dams on said rivers, shall keep open a good and sufficient way for the passage of the fish that usually go up said Taunton Great River in their usual and proper season during the

Proviso.

time named in the first section of this act; provided, such fishway need not be kept open in the spring of the year before such proprietors, or some one of them, or their agent or agents, shall have been notified to open them by some fish warden.

And the proprietors of any dam on said rivers who shall not comply with the provisions of this section, shall forfeit and pay the sum of twenty dollars for each and every day during which they shall willfully neglect to comply therewith, to be recovered in an action of tort to the use of any fish warden who shall sue for the same in any court of competent jurisdiction. Fine for willful neglect.

SECT. 11. Any person who shall violate any of the provisions of this act, or shall take any shad or alewives in the waters aforesaid, at any time, or in any manner, contrary to the provisions of this act, shall forfeit and pay a sum of not less than five, nor more than fifty dollars, to be recovered in an action of tort, in any court having jurisdiction, of either of the parties to such action, to the use of the person who shall sue for the same; or shall, upon complaint made before any justice of the peace having jurisdiction of the offence, and conviction thereon, be punished by fine not exceeding twenty dollars, and imprisonment not exceeding sixty days. And in any suit or complaint instituted under the provisions of this section, the right of appeal shall be had to the court of common pleas by either party in such action, or the defendant in such complaint. Penalty for violation, etc.

SECT. 12. This act shall take effect from and after its passage; and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor May* 19, 1855. Inconsistent Acts repealed.

Act of 1866, Chap. 54.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND THE NEW MASKET RIVER.

City Council of Taunton may sell rights to take fish.

The city of Taunton may hereafter sell its privileges of taking shad and alewives in Taunton Great River, under the direction of its city council, instead of at a legal meeting, to be held for that purpose, as required by the second section of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five. [*Approved March* 2, 1866.

Act of 1875, Chap. 71.

AN ACT TO AMEND AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND NEMASKET RIVER.

Fisheries regulated in Taunton Great River and Nemasket River.

Whenever any fishing privilege is hereafter offered for sale agreeably to the provisions of the second section of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, or any act in amendment thereof, if no offer of one hundred dollars or more is made for said privilege, the mayor and aldermen of the city, or the selectmen of the town offering the same for such sale, may refuse to accept any offer less than said sum, and thereafterwards may sell or dispose of said privilege in such manner as will best promote the interests of said city or town. [*Approved March* 27, 1875.

Act of 1876, Chap. 208.

AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND NEMASKET RIVER.

Fisheries regulated.

SECTION 1. No shad or alewives shall be taken in any part of Taunton Great River or Nemasket River between the

hours of twelve o'clock in the night following Thursday of each week and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June of each year, including both of said days.

Section five of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, and chapter two hundred and fifty-eight of the acts of the year eighteen hundred and seventy-one, are hereby repealed. Repeal.

SECT. 2. Not more than one seine shall be cast, set, swept or used on said rivers, within the same limits or over the same ground and at the same fishing place or location, nor shall any seine be cast, set, swept or used within forty rods of any other seine. Any person violating this section shall pay a fine of not less than fifty nor more than two hundred dollars, and whoever violates the provisions of the first section shall be liable to the penalties and forfeitures provided in said chapter four hundred and one of the acts of the year eighteen hundred and fifty-five. Not more than one seine to be used over the same ground. Penalty.

SECT. 3. This act shall take effect on the first day of July next. [*Approved April* 28, 1876.

AN ACT FOR THE BETTER PROTECTION OF THE SHAD AND ALEWIFE FISHERY IN TAUNTON GREAT RIVER.

Act of 1879, Chap. 83.

Any person who shall willfully drive or stick any stake in or upon any fishing ground or privilege duly located in Taunton Great River, or who shall, by throwing into the waters Penalty for obstructing seining or fishing in Taunton Great River.

thereof any substance or thing, or in any other manner prevent, obstruct or impede any purchaser or purchasers of such ground or privilege or their agents from seining or fishing thereon at such time and manner as provided by law, shall for each offence be punished by a fine not exceeding ten dollars. [*Approved February* 28, 1879.

Chap. 217, Acts of 1875.

AN ACT TO SUPPLY THE CITY OF TAUNTON WITH PURE WATER.

Taunton to be supplied with water. (Acts 1878, Chap. 140, s. 3.)

SECTION 1. The city of Taunton is authorized to take and hold the waters of either Taunton River, in the city of Taunton, or in the town of Raynham, or Elders' and Assowompsett ponds in the towns of Lakeville, Middleborough and Rochester, and the waters in said towns which flow into said ponds, together with any water-rights connected therewith, and may take and hold, by purchase or otherwise, such land around the margin of said ponds, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold such lands as are necessary for maintaining dams and reservoirs for the storage of said waters, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said city of Taunton: *provided, however*, that if said city of Taunton take water from said Assowompsett pond, the said city shall construct and maintain a dam at the place where the Assowompsett Pond flows into Namasket River, not exceeding two and one-half feet in height above the mud sill as it now exists at said place; and

provided, further, that if said dam shall not retain sufficient water for one year's supply for the city of Taunton, then said city shall have the right to, and shall raise said dam to such a height as will retain sufficient water for one year's supply for said city of Taunton. It is also provided that the natural flow of said Assowompsett Pond into the Namasket River shall at all times be maintained.

To file in the Registry of Deeds a description of land taken.

SECT. 2. Said city of Taunton shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds in which by existing laws a deed of the same is required to be recorded, a description of land so taken, sufficiently accurate for identification, and state the purposes for which it is taken, and the title of all land so taken shall vest in said city. Any person injured in his property under this act, and failing to agree with said city as to the amount of damages, may have the same assessed and determined in the same manner as is provided where land is taken for highways.

May construct dams, reservoirs, etc.

SECT. 3. Said city of Taunton may construct dams, reservoirs and aqueducts, and maintain the same by any works suitable therefor. Said city of Taunton may also carry its conduits, pipes and drains over or under any water-course, street, railroad, highway or other way, in such a manner as not to obstruct the same, and may enter upon and dig up any road or way in such a manner as to cause the least hindrance to the travel thereon; and in general may do any other acts and things necessary, convenient or proper for the carrying out of this act.

Penalty for corrupting or diverting water.

SECT. 4. Whoever willfully corrupts, pollutes or diverts any of the waters taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said city for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Water loan not to exceed $200,000.

SECT. 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, said city of Taunton, through its treasurer, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, "Taunton Water Loan," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates of debt respectively. Said city may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as it may deem proper. Said city shall pay the interest as it accrues on said loan, and shall establish a sinking fund and shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain sacred and inviolate and pledged to the payment of said principal and shall be used for no other purpose.

Water Commissioners to be chosen by City Council.

SECT. 6. Three commissioners shall be chosen by the city council in convention, one for the term of one year, one for the term of two years, and one for the term of three years from the first Monday of the January following the acceptance of this act by the city of Taunton as hereinafter provided, and until their successors respectively are chosen. In each succeeding year one commissioner shall be so chosen for the term of three years and until his successor is chosen. The city council may in like manner fill any vacancy occurring in said board. And the said commissioners shall superintend and direct the execution and performance of all the works, matters and things mentioned in the preceding sections; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office.

Commissioners to establish water rates.

SECT. 7. Said water commissioners shall so establish the rents for the use of said water, as to provide annually from the net income for the payment of the interest on the "Taunton Water Loan," and also after three years from the introduction of said water, for the further payment of not less than one per centum of the principal of said loan. The net surplus, after deducting all interest and expenses, shall be set apart as a sinking fund and applied solely to the payment of the principal of said water loan, until the same is fully paid and discharged. [Said water commissioners shall be trustees of said sinking fund, and shall annually, or as often

Amended by St. 1878, c. 31. Com'rs of Sinking Funds substituted.

as said city may require, render an account of all the doings in relation thereto.]

Water rates to be increased if receipts are not sufficient to pay interest on the loan.

SECT. 8. At any time after the expiration of three years from the introduction of said water, and before the reimbursement of the principal of said "Taunton Water Loan," if the net income from said water rents, at the rates established by the water commissioners, shall, for any two successive years, be insufficient to pay the accruing interest on said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, upon the petition of twenty-five or more legal voters of said city, shall appoint three commissioners, who, upon due notice to the parties interested, may increase the price of said water, so far as may be necessary for the purposes aforesaid, but no further, and the award of said commissioners, or the major part of them, being returned and accepted by said court at the next term thereof, shall be binding and conclusive for not less than three years next after said acceptance.

Liability of owner and tenant.

SECT. 9. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified in writing of such use he does not object thereto.

Rights of certain towns not affected.

SECT. 10. Nothing in this act shall affect any right of the town of Raynham to draw water from said river, or any rights of the towns of Lakeville, Middleborough and Rochester, to draw water from said pond or ponds, or of the city of New Bedford to draw water from Long Pond.

When to take effect.

SECT. 11. This act shall take effect upon its passage, and shall become void unless accepted within two years by a

majority vote of the legal voters of the city of Taunton present and voting at a legal meeting called for that purpose, and held in the same manner as meetings for the election of municipal officers; the check list shall be used, and the voting of such meeting shall be by ballot, written or printed yea or nay. [*Approved May* 19, 1875. *Accepted Sept.* 21, 1875.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO ISSUE ADDITIONAL WATER SCRIP, AND TO LIMIT THE AMOUNT THEREOF.

Act of 1877, Chap. 70.

SECTION 1. The city of Taunton, for purposes mentioned in the fifth section of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, may issue notes, scrip or certificates of debt, to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding fifty thousand dollars in addition to the amount authorized by said chapter, to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, bonds, notes, or certificates issued by said city under the authority given by this act and by all other acts shall not in any event exceed the amount of two hundred and fifty thousand dollars.

May issue additional water scrip.

Not to exceed in all $250,000.

SECT. 2. This act shall take effect upon its passage. [*Approved March* 26, 1877.

Act of 1880, Chap. 74.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF TAUNTON WITH PURE WATER.

Water supply for the city.

SECTION 1. The city of Taunton for the purposes mentioned in the fifth section of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, and for defraying all costs and expenses which may be incurred under the provisions of this act additional thereto, may issue notes, scrip, bonds, or certificates of debt to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding one hundred thousand dollars in addition to the amounts authorized by said chapter and chapter seventy of the acts of the year eighteen hundred and seventy-seven, to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, notes, bonds, or certificates of debt, issued by said city under the authority given by this act and the other acts above mentioned, shall not in any event exceed the amount of three hundred and fifty thousand dollars.

Loan not to exceed $350,000.

The city may take land.

SECT. 2. The city of Taunton may take and hold by purchase or otherwise such lands as it may deem necessary, adjoining the Taunton Great River within the limits of the city of Taunton or town of Raynham, in addition to the land already taken and held by said city under the provisions of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, for the purpose of extending and increasing the supply of pure water, and

for laying, maintaining and constructing the conduits, pipes, reservoirs and other works for holding, collecting, filtering, purifying, conducting and distributing the waters of said river or such waters as may be drawn from the land taken under this and said previous acts.

To file in the Registry a description thereof.

SECT. 3. Said city of Taunton shall, within sixty days from the time of taking of any land as herein provided, file in the registry of deeds in which by existing laws a deed of the same is required to be recorded, a description of the land so taken sufficiently accurate for identification, and shall state therein the purposes for which it is taken, and the title of all land so taken shall vest in said city. Any person injured in his property under this act and failing to agree with said city as to the amount of damages may have the same assessed and determined in the same manner as is provided where land is taken for highways.

SECT. 4. This act shall take effect upon its passage. [*Approved March* 11, 1880.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO INCREASE ITS WATER LOAN.

Act of 1882, Chap. 159.

May increase loan to not exceeding $450,000 in all.

SECTION 1. The city of Taunton, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five and chapter seventy-four of the acts of the year eighteen hundred and eighty, may issue notes, scrip, bonds or certificates of

debt, to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding one hundred thousand dollars, in addition to the amounts which said city is now authorized to issue, to be issued upon the same terms and conditions and with the same powers as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, notes, bonds or certificates of debt issued by said city for the purposes of said water loan hereunder and under said chapter two hundred and seventeen and the acts in addition thereto shall not in any event exceed the amount of four hundred and fifty thousand dollars.

SECT. 2. This act shall take effect upon its passage. [*Approved April* 14, 1882.

Act of 1879, Chap. 173.

AN ACT TO SET OFF A PART OF THE CITY OF TAUNTON TO THE TOWN OF BERKLEY.

Part of Taunton annexed to Berkley.

SECTION 1. All that part of the city of Taunton, with the inhabitants and estates therein, lying southerly of the following line, to wit: Beginning at the easterly corner of the town of Berkley, thence running south forty-eight degrees east to a stake in the line of the town of Lakeville for a corner, is hereby set off from the city of Taunton and annexed to the town of Berkley.

Taxes assessed to be paid to Taunton.

SECT. 2. All taxes already assessed and that may be assessed before this act is accepted by the town of Berkley, by

the city of Taunton upon the inhabitants of said territory hereby set off and annexed, shall be paid by them to said city of Taunton as if this act had not been passed.

Berkley to pay Taunton certain taxes.

SECT. 3. The town of Berkley shall annually pay to the city of Taunton, from and after the time this act shall take effect, the proportionate part of state and county taxes thereafter required to be assessed upon the inhabitants and territory hereby set off, previous to a new state valuation or new basis for the apportionment of state and county taxes.

Support of paupers.

SECT. 4. The town of Berkley shall be liable for the support of all persons who now or shall hereafter stand in need of relief as paupers, whose settlement was acquired from the territory hereby annexed to said town.

Berkley to pay Taunton $800.

SECT. 5. The town of Berkley shall, within three months after this act is accepted by said town, pay to the city of Taunton the sum of eight hundred dollars, and this sum shall be a full settlement of all claims against the town of Berkley growing out of the provisions of this act; and the schoolhouse and lot with the furniture and fixtures therein and all other public property of the city of Taunton situate in the territory hereby annexed shall hereafter vest in said town of Berkley.

Act void unless accepted.

SECT. 6. This act shall take effect upon its passage, and shall be null and void unless accepted within six months by a majority vote of the legal voters of said town of Berkley present and voting at a legal meeting called for that purpose, at which meeting the check list shall be used and the voting

of such meeting shall be by ballot, written or printed "Yea" or "Nay." [*Approved April* 1, 1879.

S. S. 1871, Chap. 178.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO CHANGE THE COURSE OF LITTLE RIVER.

May change course of Little River.

SECTION 1. The city of Taunton is hereby authorized to change the course of Little River, in said city, by filling up the southerly branch thereof, where it now crosses Hill street and Weir street, and enlarging the northerly branch thereof, where it crosses Weir street; and to discontinue and remove the present bridges over said southerly branch.

Proceedings to be conducted as in laying out and altering highways.

SECT. 2. All the proceedings in relation to such alteration shall be conducted in like manner as in laying out, altering or discontinuing highways in said city; and any person or corporation injured by such alteration shall have the like remedies for recovering damages sustained thereby, as in cases of laying out or altering highways, so far as the same are applicable thereto.

SECT. 3. This act shall take effect upon its passage.

Stat. 1853, Chap. 3.

AUTHORITY OF THE TAUNTON GAS LIGHT CO. IN THE PUBLIC STREETS.

May open ground, sink pipes, etc.

SECTION 3. The Taunton Gas Light Co. with the consent of the selectmen of the town of Taunton, shall have power

and authority to open the ground in any part of the streets, lanes and highways in the said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance; *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control, the acts and doings of the said corporation, which may in any manner affect the health, safety and convenience, of the inhabitants of said town. Proviso.

AN ACT CONCERNING THE WEIR BRIDGE IN TAUNTON.

S. S. 1864, Chap. 188.

SECTION 1. The inhabitants of the town of Taunton are hereby authorized and required to rebuild the bridge over Taunton Great River at Weir Village, in said Taunton, with a suitable double draw therein; one part of said draw to be, as near as may be, in the centre of said river, and not less than thirty-five feet in width, the other part to be on the easterly side of said river, and not less than twenty-five feet in width; the whole to be constructed in a substantial and proper manner, and to the acceptance of the county commissioners of the county of Bristol. Rebuilding of bridge required. Construction of draw.

SECT. 2. The expenses of rebuilding said bridge and constructing said draw, shall be paid by said town of Taunton; and the said county commissioners may, in the exercise of Expenses of rebuilding.

their discretion, pursuant to section fifty-one of the forty-third chapter of the general statutes, order the whole or a part of said expenses to be repaid to said town out of the treasury of said county. Said bridge when rebuilt, shall be forever maintained, and a proper draw-tender provided therefor, by and at the expense of said town of Taunton.

Maintenance.

Repeal.

SECT. 3. The three hundred and thirty-eighth chapter of the acts of the year eighteen hundred and fifty-one, is hereby repealed.

Act, when in force.

SECT. 4. This act shall take effect in ninety days after its passage.

AN ACT RELATING TO THE CITY PHYSICIAN AND BOARD OF HEALTH OF THE CITY OF TAUNTON.

SECTION 1. Section nine of chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-two, providing for the election of certain officers of the city of Taunton, is amended by striking from the twentieth line of said section the words "and city physician" and by inserting in said line the word "and," before the word "superintendent."

SECT. 2. The appointments to the board of health of the city of Taunton shall, in the year eighteen hundred and eighty-three be made within thirty days after the passage of this act, to take effect from the first Monday of February of said year.

SECT. 3. This act shall take effect upon its passage.
[*Passed March* 13, 1883.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO CONSTRUCT A BRIDGE ACROSS TAUNTON GREAT RIVER.

SECTION 1. The city of Taunton is hereby authorized, subject to the provisions of chapter nineteen of the public statutes, to construct and maintain a safe and convenient bridge across Taunton Great River from a point at or near Dean's wharf, so called, on Dean street in said Taunton, to a point opposite or nearly opposite, on the southerly bank of said river; and the said city of Taunton is further authorized to do such acts as may be necessary or convenient in the premises to provide for public travel over said bridge and for the navigation of said river at said bridge.

SECT. 2. Said city may take such land or other property as it may deem necessary to carry into full effect the provisions of the preceding section; and any person injured in his property under this act and failing to agree with said city as to the amount of damages, may have the same assessed and determined in the same manner as is provided where land is taken for highways.

SECT. 3. This act shall take effect upon its passage.
[*Passed March* 29, 1883.

STATUTES.

STATUTES.

TOWNS SET OFF FROM TAUNTON.

The town of Norton was set off from Taunton and incorporated a town by act of the general court, passed June 12, 1711.

Dighton was set off from Taunton May 30, 1712.

Raynham was set off from Taunton April 2d, 1731.

Berkley was set off from Taunton April 18, 1735.

TOY PISTOLS AND OTHER DANGEROUS ARTICLES.

Under chapter 272, Acts of 1882, the city council adopted such rules and regulations as were reasonable in relation to the sale or use of toy pistols, toy cannons and other articles in which explosive compounds of any kind are used; and the same were approved by the Superior Court March 23d, 1883. [*See Ordinance, Chap. VII*, § 2, *page* 52.

GENERAL STATUTES.

IN FORCE BY VIRTUE OF THEIR ACCEPTANCE BY THE CITY COUNCIL.

RESOLUTION.

Resolved, that the sixth, seventh, eighth, ninth, tenth and twelfth sections of the nineteenth chapter of the General Statutes be and the same hereby are adopted by the city of Taunton. [*Passed Aug.* 30, 1865.

CHAPTER XIX.

P. S, ch. 28.

POWERS AND DUTIES OF CITIES.

SECTION.
6. Vacancies in board of aldermen, how filled.
7. If mayor is not elected, who to perform the duties.
8. Vacancies in city or ward offices, how filled.
9. Duties of ward officers.
10. Removal from ward not to disqualify city officers.
12. Mayor and members of city council may hold certain other city offices.

SECTION 6. If at or after the time for the mayor and aldermen of a city to enter upon the discharge of their duties, it appears that the mayor or the full number of aldermen are not elected, such of said officers as are elected shall issue warrants for the election of a mayor or such aldermen as may be necessary. If neither of said officers is elected, the president of the common council shall issue such warrants.

Vacancies in board of mayor and aldermen by non-election, how filled. 1845, 217, s. 1, 2. See s. 11.

If mayor is not elected, who to perform duties 1845, 217, s. 4. See s. 11.

SECT. 7. If by reason of non-election there is no mayor of a city, the chairman of the board of aldermen shall discharge the duties of the office until a mayor is chosen and sworn.

Vacancies in city or ward officers, how filled. 1845, 217, s. 2. See s. 11.

SECT. 8. When it appears to the mayor and aldermen that there is a vacancy either in their board, the common council, or any city or ward office, to be filled by popular election, they shall issue their warrants for elections to fill such vacancy at such time and place as they deem advisable.

Ward officers, duties of. 1845, 217, s. 3. See s. 11.

SECT. 9. Ward officers authorized to act at elections shall attend and perform their respective duties at the times and places appointed for elections of officers, whether of the United States, state, city or wards, and shall make and sign the regular returns of the same.

Ward officers *pro tempore.*

If a ward officer is absent from a meeting, the office may be filled, *pro tempore*, by the voters present, by nomination and hand vote if they so determine.

Removal from ward not to disqualify city officers. 1845, 217, s. 5. See s. 11.

SECT. 10. City officers who were residents of the ward at the time of their election, shall discharge the duties of their offices notwithstanding their removal afterwards into any other ward of the city.

Mayor, &c. may hold other offices, &c. 1851, 70, s. 1, 2.

SECT. 12. The mayor and any alderman or member of the common council of the city which has adopted chapter seventy of the statutes of eighteen hundred and fifty-one, or which shall adopt this section, may at the same time hold any other office under the city government to which he may be chosen, except one of emolument.

CHAPTER XLV.

P. S. ch. 50, s. 20, 21.

CONCERNING SIDEWALKS.

SECTION.
7. Mayor and aldermen may grade sidewalks and assess half the expense on the abuttors.
8. Sidewalks not to be obstructed without leave from aldermen.

When selectmen, &c. may grade, &c. sidewalks. Expense, how paid. 1855, 43, s. 1.

SECTION 7. In cities in which the city council, and in towns in which the inhabitants, have adopted the provisions of this and the following section, the mayor and aldermen or selectmen may establish and grade sidewalks in such streets as in their judgment the public convenience may require, and may assess the abuttors on such sidewalks one-half the expense of the same, the residue being paid by such city or town. All assessments so made shall be a lien upon the abutting lands in the same manner as taxes are a lien upon real estate.

Sidewalks not to be obstructed unless, &c. 1855, 43, s. 2.

SECT. 8. No sidewalk constructed or graded in a city or town shall be dug up or obstructed in any part thereof, without the consent of the mayor and aldermen of the city, or of the selectmen of the town, in which such sidewalk is established.

CHAPTER LXXXVIII.

P. S. ch. 102, s. 40 to 53.

STEAM ENGINES, FURNACES AND BOILERS.

SECTION.
33. Steam engine and furnace not to be used in certain cases without license
34. Public notice of application for license, &c.
35. Municipal officers may regulate furnaces, steam engines, &c.
36. Appeal and proceedings thereon.
37. Court may restrain use while appeal is pending.
38. Verdict of jury may affirm, &c. order, acceptance of verdict.
39. Recovery of costs.
40. Engines, &c., when common nuisance, &c.

Steam engines and furnaces not to be used

SECTION 33. No furnace for melting iron or making glass, and no stationary steam engine designed for use in any mill

in certain cases without license 1845, 197, s. 1, 10. 1846, 96, s. 1, 3.

for planing or sawing boards or turning wood, or in which any other fuel than coal is used to create steam, shall be erected or put up to be used in any city or town by which the provisions relating thereto of chapter one hundred and ninety-seven of the statutes of eighteen hundred and forty-five or chapter ninety-six of the statutes of eighteen hundred and forty-six respectively have been adopted, or by which this and the seven following sections shall have been adopted, at a legal meeting of the city council of the city or the inhabitants of the town called for that purpose, unless the mayor and aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building in which such steam engine or furnace is to be used shall be erected, the materials and construction thereof, with such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the records of the city or town.

Public notice of applications for license, &c. 1845, 197, s. 5.

SECT. 34. Upon application for such license the mayor and aldermen or selectmen shall assign a time and place for the consideration of the same, and cause at least fourteen days public notice thereof to be given, at the expense of the applicant, in such manner as they may direct, in order that all persons interested may be heard thereon.

Municipal officers may regulate furnaces, steam engines, &c. 1845, 197, s. 2, 10.

SECT. 35. In any city or town by which chapter one hundred and ninety-seven of the statutes of eighteen hundred and forty-five has been adopted, or by which sections thirty-three to forty inclusive shall have been adopted at a legal meeting of the city council of the city or inhabitants of

the town called for that purpose, the mayor and aldermen or selectmen, after due notice in writing to the owner of such steam engine or furnace, except for making glass, erected or in use therein before the time of such adoption, and a hearing of the matter, may adjudge the same to be dangerous or a nuisance to the neighborhood, and make and record an order prescribing such rules, restrictions, and alterations, as to the building in which the same is constructed or used, the construction and height of its smoke flues, with such other regulations as they deem necessary for the safety of the neighborhood; and the city or town clerk shall deliver a copy of such order to a constable, who shall serve on the owner an attested copy thereof and make return of his doings thereon to said clerk within three days from the delivery thereof to him.

Appeal and proceedings thereon. 1845, 197, s. 6. 1859, 196.

SECT. 36. The owner of a steam engine or furnace who is aggrieved by such order, may apply to the superior court, or a justice thereof in vacation, for a jury; and the court or justice shall issue a warrant for a jury to be empanelled by the sheriff in like manner as is provided in chapter forty-three in regard to the laying out of highways. Such application shall be made within three days after the order is served upon the owner, and the jury shall be empanelled within fourteen days from the issuing of the warrant.

Court may restrain use while appeal is pending. 1845, 197, s. 7.

SECT. 37. The court or justice, on granting the application for a jury, may issue an injunction restraining the further use of such engine or furnace until the final determination of the application.

Verdict of jury may affirm, &c. order, accept-

SECT. 38. The jury may find a verdict either affirming or annulling the order in full, or making alterations therein;

ance of verdict 1845, 197, s. 8.

which verdict shall be returned by the sheriff to the next term of the court for acceptance as in the case of highways, and when accepted shall take effect as an original order.

Recovery of costs. 1845, 197, s. 9.

SECT. 39. If the order is affirmed, costs shall be recovered by the city or town against the applicant; if it is annulled, damages and costs shall be recovered by the complainant against the city or town; and if it is altered, the court may render such judgment as to costs, as to justice shall appertain.

Engines, &c., when common nuisances, &c. R.S. 21, s. 10, 11. 1845, 197, s. 3, 10. 1846, 96, s. 2, 3. 1849, 211, s. 3, 4, 5, 8.

SECT. 40. Any steam engine or furnace erected or used contrary to the provisions of the seven preceding sections, shall be deemed a common nuisance. And the mayor and aldermen or selectmen shall have like authority to remove the same as is given to boards of health to remove nuisances by sections eight, nine and ten of chapter twenty-six. [*Adopted by City Council Feb.* 27, 1867.

P.S. ch. 54, s 9.

CHAPTER XLVI.

SHADE TREES.

When cities may appropriate money for shade trees.

SECTION 9. In a city in which the city council, and in a town in which the inhabitants have accepted this section, the mayor and aldermen or selectmen may set out and maintain shade trees upon the public squares and highways, at the expense of such city or town, which may appropriate annually, for that purpose, a sum not exceeding twenty-five cents for each of its ratable polls in the year next preceding that in which such appropriation is made. [*Adopted Feb.* 27, 1867.

CHAPTER LXXIV.

P. S. ch. 102, s. 47.

ACTS OF 1862.

AN ACT IN RELATION TO STATIONARY ENGINES.

SECTION.
1. Regulations as to erection of stationary engine.
2. Engines erected without license to be deemed a common nuisance.
3. This act not to take effect unless adopted by city council.
4. This act to take effect on its passage.

Stationary engines may be licensed.

SECTION 1. No stationary engine, propelled by steam or other motive power, shall be hereafter erected or put up for use in any city or town, within five hundred feet of any dwelling-houses or public building, unless a license therefor shall have been first granted in the manner provided in chapter eighty-eight of the general statutes, in respect to licenses of steam engines, furnaces, and boilers; and such license shall be applied for, granted and recorded in manner as therein provided.

May be removed if not.

SECT. 2. Any stationary engine hereafter erected, without such license, shall be deemed a common nuisance, and the mayor and aldermen, or selectmen, shall have like authority to remove the same, as is given to them by section forty of said chapter.

SECT. 3. This act shall not be in force in any city or town until it has been adopted at a legal meeting of the city council of the city, or of the inhabitants of the town called for that purpose.

SECT. 4. This act shall take effect upon its passage. [*Approved March* 20, 1862. *Adopted by City Council Feb.* 27, 1867.

P. S. ch. 54, s. 10 to 13.

CHAPTER CCXLII.

AN ACT CONCERNING SHADE AND ORNAMENTAL TREES STANDING IN HIGHWAYS AND STREETS.

SECTION.
1. Notice to be given of intention to remove a shade tree in the highway.
2. Penalty for cutting down a tree in the highway without notice.
3. This act to take effect when accepted.

Notice of intention to remove a shade tree in the highway, to be given to board of aldermen.

SECTION 1. No person who has by law a right to cut down or remove any ornamental or shade tree standing in any highway, town-way or street, shall exercise such right without first giving notice of his intention to one of the selectmen of the town, or mayor of the city in which the tree stands; and if the selectmen of the town, or mayor and aldermen of the city desire to retain the tree, they shall give notice thereof to such person within ten days after his notice to them; and in that case, the same course shall be taken and the same rules apply as to the assessment, appeal and final determination and payment of the damage such person may suffer by the retaining of said tree, as in the case of damage done by an alteration in such highway, town-way or street.

Penalty for neglect to give such notice.

SECT. 2. If any such person shall cut down, remove or injure such tree without first giving the notice required in the foregoing section, or in violation of any of the provisions thereof, or of the rights of the city or town acquired thereunder to maintain the same, he shall suffer the penalty provided for the injury or destroying of ornamental or shade trees in the seventh section of the forty-sixth chapter of the general statutes, and the penalty in such case shall accrue to the town or city.

SECT. 3. This act shall not be in force in any town or city until it shall be accepted by a majority of the legal voters in such town at a meeting legally called therefor, or by the city council. This act to be accepted by the city.

SECT. 4. This act shall take effect upon its passage. [*Approved May* 16, 1867. *Adopted by City Council December* 4th, 1867.

CHAPTER LXXXVII.

P. S. ch. 101.

AN ACT FOR ABATING NUISANCES.

SECTION.	SECTION.
1. Proceedings in removing dangerous buildings.	3. Powers and duties of jury.
2. Parties aggrieved may apply for jury.	4. Costs, by whom paid.
	5. Powers of aldermen to abate nuisances

SECTION 1. In any city or town which has adopted chapter four hundred and sixty-nine of the statutes of eighteen hundred and fifty-five, or which shall adopt this and the four following sections, at a legal meeting of the city council or inhabitants of the town, if the mayor and aldermen, or selectmen, after due notice in writing to the owner of any burnt, dilapidated or dangerous building, and a hearing of the matter, adjudge the same to be a nuisance to the neighborhood or dangerous, they may make and record an order prescribing such disposition, alteration or regulation thereof as they deem necessary; and thereupon the city or town clerk shall deliver a copy of the order to a constable, who shall forthwith serve an attested copy thereof upon such owner, and make return of his doings thereon to said clerk. Proceedings in removing a dangerous building. Notice to be served on owner.

Party aggrieved may apply for a jury.

SECT. 2. Any owner aggrieved by such order may within three days of the service thereof upon him apply for a jury to the superior court, if sitting in the county, or to any justice thereof, in vacation. The court or justice shall issue a warrant for a jury, to be empanelled by the sheriff within fourteen days from the date of the warrant, in the manner provided in chapter forty-three relating to highways.

Powers and duties of a jury.

SECT. 3. The jury may affirm, annul, or alter such order; and the sheriff shall return the verdict to the next term of the court for acceptance, and being accepted it shall take effect as an original order.

Costs, how determined and by whom paid.

SECT. 4. If the order is affirmed, costs shall be taxed against the applicant; if it is annulled, the applicant shall recover damages and costs against the city or town; if it is altered in part, the court may render such judgment as to costs as justice shall require.

Powers of aldermen to abate nuisances.

SECT. 5. The mayor and aldermen or selectmen of any city or town shall have the same power and authority to abate and remove any such nuisance as are given to the board of health in sections eight, nine and ten of chapter twenty-six.

[*Passed Nov.* 3d, 1869.

P. S. ch. 104.

CHAPTER CCXLIII.

AN ACT FOR THE PREVENTION OF FIRES IN CITIES AND TOWNS.

Cities may make by-laws for the prevention of fires.

SECTION 1. Cities and towns may, by ordinances and by-laws not repugnant to the laws of the commonwealth, pre-

scribe rules and regulations for the inspection, materials, construction, alteration and safe use of buildings and structures within their respective limits not owned or occupied by the United States or the commonwealth, and excepting bridges, quays and wharves, for the purpose of securing the prevention of fire and the preservation of life; and prescribe penalties, not exceeding one hundred dollars for each and every violation of any provision of such ordinances or by-laws.

Limits may be defined.

SECT. 2. Such ordinances and by-laws may be made operative upon and within the whole territory of any city or town, or upon and within any prescribed and defined district or districts of such territory.

Injunction to restrain illegal construction, etc.

SECT. 3. The supreme judicial court, or any justice thereof, in term time or vacation, may by injunction or other suitable process in equity, restrain any person or corporation from constructing, altering, maintaining or using any building or structure contrary to or in violation of any lawful ordinance or by-law made under or by virtue of this act, and may order and enforce the removal, or abatement as a nuisance, of any building or structure constructed, altered, maintained or used in violation of such ordinance or by-laws.

Not to be in force unless adopted.

SECT. 4. This act shall not be in force in any city or town unless the city council or the inhabitants of the town shall, by legal vote, decide to adopt the same; and it shall not apply to the city of Boston.

SECT. 5. This act shall take effect upon its passage.

[*Approved April* 23, 1872. *Adopted by City Council May* 1, 1872.

PUBLIC STATUTES.

ARMORIES.

P. S. ch, 14, s. 92.

SECTION 92. The mayor and aldermen and selectmen shall provide for each regiment, battalion, corps of cadets, or portion of the volunteer militia, within the limits of their respective cities or towns, a suitable armory for the purpose of drill, and for the safe keeping of the arms, equipments, uniforms and other military property furnished to such portion of the volunteer militia by the state; and shall also provide suitable grounds or places for the parade, drill, and target practice of the militia belonging to their respective cities and towns. They shall also provide for the headquarters located within their limits of each brigade, regiment, separate battalion or corps of cadets, a suitable room for the keeping of books, the transaction of business, and the instruction of officers. Necessary fuel and lights, or a reasonable allowance therefor, shall be furnished by cities and towns for each armory or headquarters located within their limits.

Armories to be provided by cities and towns. 1878, 265, s. 88.

Headquarters to be provided

Fuel and lights to be furnished

SECT. 93. Where two or more companies of the same battalion are located within the limits of a city or town the mayor and aldermen or selectmen thereof shall, if practicable, provide such companies with a drill hall to be used by them in common, of capacity sufficient for battalion drill, together with a smaller room in the same building for each of said

Drill hall to be provided, when two or more companies are in same city. 1878, 265, s. 89.

companies, suitable for company meetings, and for the safe keeping of military property, as provided in the preceding section. The headquarters of each regiment, battalion and corps of cadets shall be established with said commands, or portions thereof, as far as practicable.

Money may be raised to build armories. 1878, 265, s. 90.

SECT. 94. Cities and towns in which regiments, battalions, corps of cadets or companies, or the headquarters of brigades, regiments, battalions or corps of cadets are located, may raise money by taxation or otherwise, for the purpose of erecting suitable buildings for the armories or headquarters of such organizations.

Armories to be used for military purposes only. 1878, 265, s. 92.

SECT. 96. Armories provided for the militia shall not be used for any purpose whatever other than the legitimate uses of the commands occupying them; and no commander of any regiment, battalion, corps of cadets or company shall allow the armory or armories of his command to be let for other than a proper military purpose, unless by approval of the commander-in-chief.

Officers to have control of armories during period of occupation. 1878, 265, s. 93.

SECT. 97. Every officer whose command occupies, assembles or drills in any armory, drill hall or building, allowed according to law for such purpose, shall have control of such premises during the period of occupation, subject to the orders of his superior commanders, and any person who intrudes contrary to his orders or the orders of his superior commanders, or who interrupts, molests, obstructs or insults the troops, or any of them, so occupying such premises, may be dealt with as prescribed in sections one hundred and twenty-one and one hundred and twenty-two for like offences at the discretion of the officer in charge of the troops, or his superior

commanders; *provided*, that nothing in this section shall be construed to prevent reasonable inspection of the premises by the mayor and aldermen or selectmen of a city or town, or by the owners of the premises, according to the terms which may have been specified therefor, in a lease. Proviso.

Certain associations, in addition to the militia, may parade in public with arms. 1878, 265, s. 123.

SECT. 127. No body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, the ancient and honorable artillery company, the veteran artillery association of Newburyport, the veteran cadet association of Salem, the veteran association of the independent corps of cadets of Boston, and the Salem light infantry veteran association, the veteran artillery association of Amesbury and Salisbury, shall associate themselves together as a military company or organization, or parade in public with arms in any city or town of this commonwealth, without the license of the governor thereof, which may at any time be revoked; nor shall any city or town raise or appropriate any money toward arming, equipping, uniforming, or in any way supporting, sustaining or providing drill-rooms or armories, for any such body of men; *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiment or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers [or at the decoration of soldiers graves], having first obtained the written permission so to do, of the mayor and aldermen or selectmen of the cities or towns in which they desire to parade; and *provided*, *further*, that the students in educational institutions where military science is a prescribed part of the course of instruction may,

Associations composed of soldiers.

[S. 1882, c. 179.]

Students in educational institutions.

with the consent of the governor, drill and parade with arms in public, under the superintendence of their teachers; and *provided, further*, that this section shall not be construed to prevent any organization heretofore authorized thereto by law, from parading with side arms.

Penalty for parading contrary to law. 1878, 265, s. 124.

SECT. 128. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by fine not exceeding ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months, or both.

APPROPRIATIONS AUTHORIZED BY STATUTE.

P. S. ch. 27, s 10.

Towns may grant money for certain purposes.
13 Mass. 272.
6 Pick. 101.
12 Pick. 227.
19 Pick. 485.
21 Pick. 64.
23 Pick. 71.
3 Met. 163.
10 Met. 508.
3 Cush. 530.
10 Cush. 56, 252.
12 Cush. 103.
4 Gray, 502.
11 Gray, 340, 436
1 Allen, 103.
3 Allen, 9.
6 Allen, 152.
10 Allen, 570.
11 Allen, 108.
103 M. 94, 104.
108 M. 408.
109 M. 311.
112 M. 1.
114 M. 592.
122 M. 270.
127 M. 502.

SECTION 10. Towns may, at legal meetings, grant and vote such sums as they judge necessary for the following purposes:

For the support of public schools authorized or required by law.

For the relief, support, maintenance and employment of the poor.

For the laying out, discontinuing, making, altering and repairing highways and town-ways, and for labor and materials to be used thereon.

For procuring the writing and publishing of their town histories.

For burial grounds.

For encouraging the destruction of noxious animals.

For necessary aid to disabled soldiers and sailors and their families, and to the families of the slain.

For erecting headstones, or other monuments at the graves of persons who accredited to their respective quotas, served in the military or naval service of the United States in the war of the rebellion; erecting monuments in memory of their soldiers who died in the service of the country in said war; and for keeping in repair or decorating the graves, monuments or other memorials within their limits, erected to the memory of soldiers or sailors who have died in the military or naval service of the United States.

For conveying pupils to and from the public schools, the same to be expended by the school committee in their discretion.

For procuring the detection and apprehension of persons committing any felony therein.

For maintaining any library therein to which the inhabitants are allowed free access, for the purpose of using the same on the premises, and for establishing and maintaining a public reading room, in connection with and under the control of the managers of such library; and for all other necessary charges arising in such town.

For centennial celebrations. 1874, 112. 1881, 88. 1 Allen, 103.

SECT. 11. A town may, at its annual meeting, raise by taxation a sum of money not exceeding one-tenth of one per cent. of its assessed valuation for the year last preceding, for the purpose of celebrating any centennial anniversary of its incorporation, and of publishing the proceedings of any such celebration.

To encourage planting shade trees. 1869, 381.

SECT. 12. A town may, at a legal meeting, grant and vote a sum not exceeding twenty-five cents for each of its ratable polls in the preceding year, to be expended by the selectmen

in premiums, or in any other manner that they may deem most effectual, to encourage the planting of shade trees upon the public squares or highways, by the owners of adjoining real estate.

May establish and maintain public baths, etc. 1874, 214, s. 1, 2.

SECT. 13. A town in which chapter 214 of the statutes of the year 1874 has been duly accepted, or in which this and the following section have been accepted by two-thirds of the legal voters present and voting at an annual meeting, may purchase or lease lands, and erect, alter, enlarge, repair and improve buildings for public baths and wash houses, either with or without open drying grounds, and may make open bathing places, and fit up and furnish all of the same with the requisite furniture, fittings and conveniences, and may raise and appropriate money therefor.

Towns may appoint officers and make regulations for government of same.

SECT. 14. Such towns may establish rates for the use of such baths and wash houses, and appoint officers therefor, and may make by-laws for the government of such officers, and authorize them to make such rules and regulations as may seem to them expedient for the management of such baths and wash houses; but such by-laws, rules or regulations shall be subject to alteration or repeal at any time.

Public parks.

See statute 1882, chap. 154, entitled An act authorizing towns and cities to lay out public parks.

Preservation of forests.

See statute 1882, chap. 255, entitled An act authorizing towns and cities to provide for the preservation and reproduction of forests.

AUCTIONEERS.

P. S. ch. 67, s. 1.

SECTION 1. The mayor and aldermen or selectmen of any city or town may, by writing under their hands, license one or more suitable inhabitants of their respective cities and towns to be auctioneers within the same for the term of one year, and may receive to the use of the city or town for each license two dollars. They shall record every license in a book to be kept by them for that purpose.

Auctioneers to be licensed. G. S. 50, 1.

SECT. 2. If after application made to them in writing, they unreasonably refuse or neglect to license the applicant, he may, after giving them fourteen days notice, and after giving bonds to pay all costs, apply to the county commissioners, who, after hearing the parties, may grant a license.

In certain cases county commissioners may license. G. S. 50, s. 2.

SECT. 3. Each auctioneer shall, if required, give bonds in a reasonable penal sum, and with sufficient sureties, to the treasurer of the city or town where he is licensed, with condition that he shall in all things conform to the laws relating to auctioneers.

Auctioneers to give bonds. G. S. 50, 3.

SECT. 7. If a person sells or offers for sale by auction any goods or chattels except as is provided in this chapter, such goods or chattels shall be forfeited to the use of the city or town in which such sale is made, and may be seized by the mayor and aldermen or selectmen and libelled according to the provisions of chapter 194.

Penalty for selling by auction contrary to law. G. S. 50, 7.

SECT. 12. Licenses may be granted upon such conditions respecting the places of selling goods and chattels, within a

License may be granted with condi-

tions as to place of selling G. S. 50, 12.

city or town, as the mayor and aldermen or selectmen deem expedient; and if an auctioneer makes a sale by auction at a place not authorized by his license, he shall be liable to like penalties as if he had sold without a license.

P. S. ch. 102, s. 115.

AMUSEMENTS.

Theatrical exhibitions to be licensed. G. S. 88, s. 74. 6 Cush. 174. 7 Gray, 162.

SECTION 115. The mayor and aldermen of a city or the selectmen of a town may, except as provided in sect. 9 of chap. 48, license theatrical exhibitions, public shows, public amusements and exhibitions of every description, to which admission is obtained upon payment of money or the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, upon such terms and conditions as they deem reasonable; and they may revoke or suspend the same at their pleasure.

Penalty and exceptions. G. S. 88, s. 75. 1880, 188. 4 Cush. 74.

SECT. 116. Whoever offers to view, sets up, sets on foot, maintains, carries on, publishes, or otherwise assists in or promotes any such exhibition, show or amusement, without such license, shall be punished by fine not exceeding five hundred dollars for each offence. This section, however, shall not apply to public entertainments by religious societies for a religious or charitable purpose.

When lager beer is sold. G. S. 88, s. 76.

SECT. 117. Whoever offers to view, sets up, sets on foot, maintains or carries on a theatrical exhibition, public show, concert, or dance hall exhibition of any description, at which lager beer or other intoxicating liquor is sold or exposed for

sale with the consent of those who get up, set on foot, or otherwise promote such exhibition or show, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the house of correction for not more than two years, unless such exhibition or show has been duly licensed as provided by section one hundred and fifteen. This section shall not authorize the licensing of the sale at any exhibition or show, of liquor the sale of which is prohibited by law.

For getting up masked ball. G. S. 88, s. 77.

SECT. 118. Whoever get up, sets on foot, causes to be published, or otherwise aids in getting up and promoting a masked ball or other public assembly, at which the company wear masks or other disguises, and to which admission is obtained upon payment of money or the delivery of any valuable thing or by a ticket or voucher obtained for money or any valuable thing, shall for the first offence be punished by fine not exceeding five hundred dollars, and for any subsequent offence by imprisonment in the jail or house of correction not exceeding one year.

Sureties of the peace may be required. G. S. 88, s. 78.

SECT. 19. A trial justice, or police, district, or municipal court, upon complaint made of an offence against the provisions of either of the three preceding sections, shall bind over all persons so offending to appear at the next term of the superior court, and shall also require such persons to find sureties for the keeping of the peace and being of good behavior until such term of the court and shall commit such persons upon their refusing or neglecting so to recognize and find sureties.

BRIDGES.

P. S. ch. 52, 53. Bridges.

See Chaps. 52 and 53, sec. 18 to 22. See Stat. 1882, Chaps. 36 and 108.

CONSTRUCTION OF BUILDINGS.

P. S. ch. 104.

See Ch. 104. Amendment, Stat. 1882, Chaps. 208 and 266.

P. S. ch. 102.

BUILDINGS ERECTED FOR STABLES.

Penalty for unauthorized erection or use of stables. G. S. 88, s. 32.

SECTION 39. Whoever erects, occupies, or uses a building for a stable for more than four horses in any part of a city or town, except such part as the mayor and aldermen or selectmen direct, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a longer or shorter time, and the supreme judicial court or a justice thereof, in term time or vacation, may issue an injunction to prevent such erection, occupancy, or use without such direction.

P. S. ch. 28.

CARRIAGES.

Regulation of carriages, etc. G. S. 19, s. 14. 2 Cush. 562.

SECTION 25. The mayor and aldermen of a city may make rules and orders for the regulation of all carriages and vehicles used either wholly or in part therein, whether with or

without animal power, with penalties for violations thereof, not exceeding twenty dollars for one offence; and may receive annually one dollar and no more for each license granted by them to a person to set up and use any carriage or vehicle within such city. Such rules shall not take effect until they have been published at least one week in some newspaper published in the city or in the county in which the city is situated. This section shall not impair the right of a city to make by-laws relating to the subject.

98 Mass. 1.
114 Mass. 328.
122 Mass. 60.

SECT. 13. A city or town may by ordinance or by-law prohibit persons from riding or driving beasts of burden, carriage or draught, upon any of the streets or ways for public travel therein at a rate of speed which it deems inconsistent with the public safety or convenience, under such penalties as it may impose for breaches of other ordinances or by-laws.

P. S. c. 53.
Against fast driving.
1865, 31, s. 1.

SECT. 15. The mayor and aldermen and selectmen may make such rules and regulations for the passage of carriages, wagons, carts, trucks, sleds, sleighs, horse cars, or other vehicles, or for the use of sleds or other vehicles for coasting, in and through the streets or public ways of a city or town, as they may deem necessary for the public safety or convenience, with penalties for the violation thereof, not exceeding twenty dollars for each offence.

Cities and towns may regulate passage of carriages, etc., and use of sleds, etc., for coasting in streets.
1875, 136, s. 1.

COAL.

P. S. ch. 60.

SECTION 79. All anthracite, bituminous or mineral coal shall be sold by weight, and except when sold by the cargo,

Coal to be sold by weight.
1870, 205, s. 1.

two thousand pounds avoirdupois shall be the standard for the ton by which the same shall be weighed and sold.

Appointment of weighers of coal.
1870, 205, s. 2.

SECT. 80. The mayor and aldermen or selectmen of every place where such coal is sold shall appoint suitable persons, one or more of whom shall not be engaged in the business of selling coal, to be weighers of coal, who shall be sworn and be removable at the pleasure of the board appointing them, and all coal shall be weighed by such sworn weighers.

Record to be kept and certificate of weight to be given.
1870, 205, s. 3.
5 Allen, 299.

SECT. 81. On or before the delivery of any such coal to a purchaser, the seller shall cause the same to be weighed by a sworn weigher of the place in which the same is sold or delivered, who shall keep a record thereof for the use of both parties, and a certificate of the weight thereof signed by such weigher, shall, when so requested, be delivered to the purchaser or to his agent at the time of the delivery of the coal.

Purchaser of coal may have it weighed by a sworn weigher.
1870, 205, s. 4.

SECT. 82. When the purchaser of coal in quantities of five hundred pounds or more so requests before the delivery thereof, the seller shall cause such coal to be weighed by a sworn weigher not the seller nor in his employ, and not engaged in the business of selling coal, and a certificate of the weight thereof shall be delivered, signed by such weigher to the purchaser or to his agent at the time of the delivery of the coal. The fees for such weighing shall be paid by the purchaser.

Penalty for violation.
1870, 205, s. 6.
2 Allen, 320.

SECT. 83. Whoever violates any of the provisions of the four preceding sections shall be punished by fine of not less than twenty-five nor more than seventy-five dollars for each offence.

SECT. 84. Any fraud or deceit in the weight of coal on the part of the seller or of those employed by him to sell, weigh, or deliver the same, shall be punished by fine of not less than twenty-five nor more than seventy-five dollars for each offence.

For fraud in weighing coal. 1870, 205, s. 5.

SECT. 85. In the sale of charcoal, the baskets, tubs, or vessels used in measuring the same, except as hereinafter provided, shall be of a cylindrical form, and of the following dimensions in the inside thereof, to wit: nineteen inches in diameter in every part, and eighteen inches and one-tenth of an inch in depth measured from the highest part of the bottom thereof, each of which shall be deemed to be of the capacity of two bushels, and shall be filled level full; and every such vessel shall be sealed by a sealer of the place in which the person using the same usually resides or does business.

Form and dimensions of charcoal measures. G. S. 49, s. 191.

SECT. 86. Charcoal may be measured in boxes, bins or cans of the following capacities, to wit: of five, ten, twenty, thirty, forty or fifty bushels; such boxes, bins or cans being first lawfully sealed as aforesaid; and five thousand one hundred and thirty-two cubic inches shall be deemed equal to two bushels or to the level basket, tub or vessel described in the preceding section.

Dimensions of charcoal boxes bins, etc. G. S. 49, s. 192.

SECT. 87. Every vender of charcoal, who has in his possession a basket, tub, box, bin, vessel or measure of less dimensions than those required by the two preceding sections or not sealed as therein provided, with intent to use the same or to permit the same to be used for measuring charcoal sold or agreed to be sold, shall forfeit ten dollars for every such

Penalty for having illegal measures. G. S. 49, s. 193.

measure in his possession. And every person who measures in any such basket, vessel or measure, any charcoal sold or offered for sale unless by special agreement of the buyer and seller, shall forfeit a sum not exceeding one dollar for every two bushels so measured or pretended to be measured and such basket, vessel or measure shall be destroyed.

Seizure of illegal measures; arrest, etc. G. S. 49, s. 194.

SECT. 88. The mayor and aldermen or selectmen of every place shall appoint one or more suitable persons to seize all baskets, vessels, or measures used or intended to be used for measuring charcoal, and not conforming to the foregoing provisions, and to arrest without warrant any person having in his possession such baskets, vessels, or measures, and to take him and them before the proper tribunal for prosecution; and upon his being convicted or found guilty, such tribunal shall order said baskets, vessels and measures to be destroyed.

P. S. ch. 48, s. 1–9.

CHILDREN, EMPLOYMENT OF.

Child under ten years not to be employed in manufacturing, etc. establishments. Penalty. 1876, 52, s. 1.

SECTION 1. No child under ten years of age shall be employed in any manufacturing, mechanical or mercantile establishment in this commonwealth; and any parent or guardian who permits such employment shall for such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of the city or town.

Child under fourteen years not to be so employed, unless attending

SECT. 2. No child under fourteen years of age shall be so employed, except during the vacations of the public schools, unless during the year next preceding such employment he

has for at least twenty weeks attended some public or private day school under teachers approved under section two of chapter forty-seven by the school committee of the place where such school is kept, which time may be divided, so far as the arrangements of school terms will allow, into two terms each of ten consecutive weeks; nor shall such employment continue, unless such child in each and every year attends school as herein provided; and no child shall be so employed who does not present a certificate made by or under the direction of said school committee, of his compliance with the requirements of this section: *provided*, that a regular attendance during the continuance of such employment in any school known as a half-time day school may be accepted by said school committee as a substitute for the attendance herein required.

school twenty weeks during the previous year.

Employment not to continue unless, etc.

Proviso. 1876, 52, s. 2. 1878, 171. 1878, 257, s. 5.

SECT. 3. Every owner, superintendent or overseer of any such establishment shall require and keep on file a certificate of the age and place of birth of every child under sixteen years of age employed therein, so long as such child is so employed, which certificate shall also state, in the case of a child under the age of fourteen years, the amount of his school attendance during the year next preceding such employment. Said certificate shall be signed by a member of the school committee of the place where such attendance has been had, or by some one authorized by such committee; and the form of said certificate shall be furnished by the secretary of the board of education, and shall be approved by the attorney-general.

Owners of such establishments to keep on file certificate of age, etc. of children under sixteen years in their employ, and of amount of school attendance. 1878, 257, s. 1. 1880, 137.

SECT. 4. Every owner, superintendent or overseer of any such establishment, who employs or permits to be employed

Penalty on superintendents, overseers,

parents and guardians. 1876, 52, s. 3. 9 Met. 562. 113 Mass. 10.

any child in violation of either of the two preceding sections, and every parent or guardian who permits such employment, shall forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

Truant officers to visit establishments and report violations of this act 1876, 52, s. 4.

SECT. 5. The truant officers shall, at least once in every school term, and as often as the school committee require, visit the establishments described in section one in their several cities and towns and inquire into the situation of the children employed therein, and ascertain whether the provisions of the four preceding sections are duly observed, and report all violations thereof to the school committee.

May require production of certificates for inspection. 1878, 257, s. 3.

SECT. 6. The truant officers may demand the names of the children under sixteen years of age employed in such establishments in their several cities and towns, and may require that the certificates of age and school attendance prescribed in section three shall be produced for their inspection; and a failure to produce the same shall be *prima facie* evidence that the employment of such child is illegal.

Children under fourteen years not to be employed while public schools are in session, unless they can read and write.

Penalty. 1878, 257, s. 4.

SECT. 7. Every owner, superintendent, or overseer in any such establishment, who employs or permits to be employed therein a child under fourteen years of age who cannot read and write, while the public schools in the city or town where such child lives are in session, and every parent or guardian who permits such employment, shall for every such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

Under fifteen years not to be

SECT. 8. Any person who employs or exhibits, or who sells, apprentices or gives away for the purpose of employing

or exhibiting a child under fifteen years of age, in dancing, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat, in any circus or theatrical exhibition, or in any public place whatsoever, or who causes, procures or encourages any such child to engage therein, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months: *provided*, that nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition on the special written permission of the mayor and aldermen of a city or of the selectmen of a town.

employed in circus, etc.

Penalties.

Proviso as to education of children in music, etc. 1877, 172.

SECT. 9. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists, or in any feats of gymnastics or equestrianism, or in which such children belonging to the public schools are employed or allowed to take part as performers on the stage in any capacity, or where, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their physical health; but nothing herein contained shall prevent the giving of special permission as provided by the preceding section. [*Amendments, see Stat.* 1882, *Chaps.* 181 *and* 270.

License not to be granted for public show in which children under fifteen years are employed. 1874, 279. 1880, 88.

CONSTABLES.

P. S. ch. 27, s. 88, 89, 112, 122

SECTION 88. If a person so chosen and summoned, who is not exempt by law from holding the office to which he is

Penalty for not taking the oath of office.

G. S. 18, s. 40. 7 Gray, 131.

elected, does not within seven days take the oath of office before the town clerk, or before a justice of the peace, and file with the town clerk a certificate thereof under the hand of such justice, he shall, unless the office to which he is chosen is that of constable or some other for which a different penalty is provided, forfeit five dollars.

Offices vacated by removal from town.

SECT. 89. A person removing from the town in which he holds a town office shall thereby vacate such office. [*G. S.* 18, s. 41. 1 *Pick.* 129.

Penalty for refusing to serve as constable, etc. G. S. 18, s. 60.

SECT. 112. A person chosen to the office of constable, able to perform the duties thereof and not exempt, who refuses to take the oath and to serve in such office, shall forfeit twenty dollars. If he is present in town meeting and declares his refusal or neglects for seven days after being summoned to take the oath of office or to pay such fine, he shall be prosecuted therefor by the treasurer.

Constables giving bonds of one thousand dollars may serve civil process in certain cases. G. S. 18, s. 61. 1870, 149. 13 Met. 302. 2 Gray, 209. 1 Allen, 461. 5 Allen, 409. 8 Allen, 398. 120 Mass. 143.

SECT. 113. A constable who gives to the inhabitants of the town for which he is chosen a bond with sureties in a sum not less than one thousand dollars to the satisfaction of the selectmen, with condition for the faithful performance of his duties in the service of all civil processes committed to him, and causes the same, with the approval of the selectmen indorsed thereon, to be filed in the office of the town clerk, may, within his town, serve any writ or other process in a personal action in which the damages are not laid at a greater sum than two hundred dollars, and any process in replevin in which the subject-matter does not exceed in value two hundred dollars, and any writ or other process under the provis-

ions of chapter one hundred and seventy-five; and no constable shall serve any process in a civil action until he gives such bond.

SECT. 114. A constable, who gives and files such bond so indorsed in a sum not less than three thousand dollars, may within his town, serve any writ or other process in a personal action in which the damages are laid at a sum not exceeding three hundred dollars, and any process in replevin in which the subject-matter does not exceed in value three hundred dollars. [1872, 268.

Constables giving bonds of three thousand dollars may serve process when damages laid at not more than three hundred dollars.

SECT. 115. The town clerk shall note upon every bond given by a constable the time when the same was filed. Any person injured by a breach of the condition of such bond may at his own expense institute a suit thereon in the name of the town, and like proceedings shall be had as in a suit by a creditor on an administration bond. The writ shall be endorsed by the persons for whose benefit the suit is brought; and if neither of them is an inhabitant of this commonwealth, it shall also be indorsed by some other responsible indorser residing in this commonwealth. If judgment is for the defendants, execution shall issue for costs against the indorsers, as if they were plaintiffs of record.

Time of filing to be noted. Remedies on bond, etc. G. S. 18, s. 62. 13 Gray, 384. 3 Allen, 126. 5 Allen, 409. 7 Allen, 387. 103 Mass. 282. 129 Mass. 143. 104 Mass. 376.

SECT. 116. Constables may serve such writs and processes as are described in section one hundred and thirteen, and warrants and other processes in criminal cases, although their town, parish, religious society, or school district is a party or interested.

Constables may serve certain writs, etc. G. S. 18, s. 63.

May serve certain demands and notices.
G. S. 18, s. 64.

SECT. 117. They may serve by copy by them attested all demands, notices and citations, and their returns of service thereof shall be *prima facie* evidence; but this provision shall not exclude the service thereof by other parties.

May require aid.
G. S. 18, s. 65.
6 Pick. 483.

SECT. 118. They shall have like powers as sheriffs, under section eighteen of chapter twenty-five, to require aid in the execution of their duties.

To execute warrants of selectmen.
G. S. 18, s. 66.

SECT. 119. They shall serve all warrants and other processes, lawfully directed to them by the selectmen of their town, for notifying town meetings or for other purposes.

To complain of breaches of certain laws.
G. S. 18, s. 67.

SECT. 120. They shall take due notice of and prosecute all violations of the laws respecting the observance of the Lord's day and of those to prevent profane swearing and against gaming.

May convey persons, etc. to jail, etc. out of their town.
G. S. 18, s. 68.

SECT. 121. A constable in the execution of a warrant or writ directed to him may convey beyond the limits of his town prisoners and property in his custody under such process, either to the justice who issued it, or to the common jail or house of correction of his county.

May serve warrants in certain cases in any place.
G. S. 18, s. 69.
98 Mass. 5.

SECT. 122. If a person against whom a warrant is issued for an alleged offence committed within any town, before or after the issuing of the warrant, escapes from or is out of such town, any constable thereof to whom the warrant is directed may pursue and apprehend him in any place in the commonwealth.

CONTRACTS WITH CITY OFFICERS.

P. S. ch. 205, s. 11, 12.

Taking commission, etc. by state and certain other public officers. 1862, 101, s. 1, 2.

SECTION 11. If an officer or agent of or a person employed by the state, or a city, town, or any public institution other than those mentioned in section thirteen, authorized to procure materials, supplies or other articles either by purchase or contract, or to employ service or labor, receives either directly or indirectly for himself or for any other person a commission, discount, bonus, present or reward from the person or persons making such contract, furnishing any such materials, supplies or other articles, or from any person rendering service or labor under such contract, or if a person gives or offers such commission, discount, bonus, present or reward, he shall be punished by fine of not less than ten nor more than five hundred dollars, or by such fine and imprisonment not exceeding one year.

By city councilman, member of legislature, etc. 1875, 232, s. 1, 2, 3

SECT. 12. If a member of either branch of a city council or of any municipal board of a city is personally interested, either directly or indirectly, in a contract in which the city is a party interested, and which is made by the city council or by either branch thereof or by such board or by authority derived therefrom, respectively; or if a person who alone or with others represents a city in making such contract is so interested; or if such member or person directly or indirectly for himself or any other person receives a commission, discount, bonus, present, or reward from any person or persons making or performing such contract; or if a member of the legislature or of the executive council, or of any state commission, is personally interested either directly or indirectly, in a contract in which the state is a party interested, and

which is made by the legislature or either branch thereof or by such commission or by authority derived therefrom, respectively; or if a person who alone or with others represents the state in making such contract is so interested; or if such member or person receives a commission, discount, bonus, present or reward from any person or persons making or performing such contract; he shall be punished by fine of not less than fifty nor more than one thousand dollars, or by such fine and by imprisonment not exceeding one year.

ELECTIONS.

See P. S. Chap. 6 and 7. Statutes 1882, Chaps. 247–268. Amendments of, see Statutes 1882, Chapters 28, 74, 247, 260 and 268.

FENCE VIEWERS.

See P. S. Chap. 36.

FIELD DRIVERS.

See P. S. Chap. 36.

P. S. ch. 29.

FINANCES.

Cities and towns not to incur debts

SECTION 1. Cities and towns shall not incur debts except in the manner of voting, and within the limitations as to

amount and time of payment, prescribed in this chapter. [1875, 209.

except within the limitations of this chapter. 128 Mass. 503.

SECT. 2. In ascertaining the amount of indebtedness of a city or town for the purposes of this chapter, debts created for supplying the inhabitants with water shall be omitted, and the amount of its sinking funds shall be deducted. [1875, 209, s. 6, 10.

Water debts to be omitted and sinking funds deducted in ascertaining limit.

SECT. 3. The provisions of the first seventeen sections of this chapter shall not apply to debts lawfully incurred in aid of railroad corporations, or to water scrip lawfully issued by a town under special statutes, for the indebtedness of a fire district. [1875, 209, s. 10; 1880, 32.

Certain provisions not to apply to debts for aid to railroads, or to water scrip.

SECT. 4. No city or town, except as provided in the following section, shall become indebted in an amount which exceeds three per cent. on the last preceding valuation, for the assessment of taxes, of the taxable property therein. [1875, 209, s. 6.

No city or town to become indebted exceeding three per cent. of valuation.

SECT. 5. Cities and towns which were indebted on the thirteenth day of June in the year eighteen hundred and seventy-five to an amount not less than two per cent. on the valuation for said year, for the assessment of taxes, of the taxable property therein, may, within the limitations as to the manner of voting the same and time of payment prescribed in this chapter, increase such indebtedness to the extent of an additional one per cent. on that valuation, and no more.

Certain cities and towns may increase debts to an amount not exceeding an additional one per cent. 1875, 209, s. 7.

Cities and towns may create temporary loans by ordinary vote. 1875, 209, s. 2.

SECT. 6. Cities and towns may by ordinary vote incur debts for temporary loans in anticipation of the taxes of the year in which such debts are incurred, and of the year next ensuing, and expressly made payable therefrom by vote of the city or town.

Other debts by two-thirds vote 1875, 209, s. 3. 1876, 19.

SECT. 7. Other debts than those mentioned in the preceding section shall be incurred only by a vote of two-thirds of the voters present and voting at a town meeting or of two-thirds of all the members of each branch of the city council, taken by yeas and nays, and approved by the mayor; or, if he disapproves such vote, by another like vote taken after notice of such disapproval, which notice shall be given within ten days from the time in which the vote of the city council is laid before the mayor; and if the mayor fails to give such notice to the branch of the city council in which such vote was first taken, he shall be deemed to have approved such vote.

Debts to be made payable within what periods. 1875, 209, s. 4.

SECT. 8. All debts mentioned in the preceding section shall be payable within the following periods, namely: debts incurred in supplying the inhabitants with water, within not exceeding thirty years; debts incurred in constructing sewers, within not exceeding twenty years; and all other debts within not exceeding ten years.

Amended by St. 1882, ch. 133, s. 1. Interest to be raised annually by tax. Sinking funds for debts pay-

SECT. 9. The interest on all debts shall be raised by taxation annually. When a debt is payable at a period exceeding ten years, the city or town shall, and when payable at a period not exceeding ten years may, at the time of contracting the same, establish a sinking fund and contribute thereto from

year to year an amount raised annually by taxation sufficient with its accumulations to extinguish the debt at maturity; and when payable at a period not exceeding ten years the city or town shall raise by taxation annually not less than eight per cent. of the principal thereof, and shall set apart the same for a sinking fund until an amount is raised sufficient with its accumulations to extinguish the debt at its maturity; and shall raise any balance necessary for such extinguishment, by taxation, in the year before the maturity of the debt. No such sinking fund shall be used for any other purpose than the payment and redemption of such debt.

able at periods exceeding ten years, and not less than eight per cent. of debts payable at less periods to be raised annually. 1875, 209, s. 4.

SECT. 10. A town establishing a sinking fund under the provisions of this chapter shall, at the time of establishing the same, elect by ballot three or six commissioners of its sinking funds; and a city establishing such a fund shall elect such commissioners by a concurrent vote of both branches of the city council. One-third of the number shall be elected for one, two and three years respectively; and annually thereafter there shall be elected, for a term of three years, a number equal to the number whose term of service then expires. Vacancies occurring in the board shall, in towns, be filled by the remaining member or members and the selectmen, by a majority of ballots of the officers so entitled to vote, at a meeting called for the purpose by the selectmen; and in cities by the city council in the manner herein provided for the election of the commissioners. The remaining member or members shall in case of a vacancy exercise the powers of the board until the vacancy is filled. The city or town treasurer shall not be eligible as such commissioner, and the acceptance of the office of treasurer by a commissioner

Cities and towns establishing sinking funds to elect commissioners 1875, 209, s. 5.

Their term of office and vacancies.

Town treasurer not eligible.

already elected shall operate as a resignation of the office of commissioner. But the foregoing provisions as to the mode of electing commissioners and filling vacancies shall not apply to boards of sinking fund commissioners established before the thirteenth day of June in the year eighteen hundred and seventy-five.

Commissioners to choose a treasurer; his bond.

The commissioners shall choose a treasurer, who may be the city or town treasurer; and if the city or town treasurer is chosen, his bond shall apply to and include duties performed under this chapter. If any other person is chosen treasurer, he shall give a bond, with sureties to the satisfaction of the commissioners, for the proper discharge of the duties of his office.

Duties of commissioners. Investments in what securities 1875, 209, s. 5.

SECT. 11. The commissioners shall receive all sums contributed to a sinking fund, and shall invest and re-invest the same, and the income thereof as it accrues, in the name of the board, in the particular scrip, notes or bonds for the redemption of which such sinking fund was established, or in other bonds of such city or town secured by sinking funds, or in the securities in which by law the funds of savings banks may be invested (except personal securities); but no portion of the same shall be loaned to the city or town except as herein provided; and the commissioners may sell and re-invest such securities when required in their judgment. They shall keep a record of their proceedings; and shall annually, at the time when other municipal officers are required to make their annual reports, make a written report to the city or town of the amount and condition of said funds and of the income thereof for the preceding financial year. The record of and the securities belonging to said funds shall at all times be

Records and reports.

subject to the inspection of the selectmen, mayor and aldermen, or of any committee of the city or town duly authorized for the purpose.

The necessary expenses of the board shall be paid by the city or town; and the treasurer and secretary thereof shall receive such compensation as shall be fixed by the city or town, but no commissioner shall receive compensation for his services. Expenses.

When securities issued by a city or town become a part of its sinking fund, the commissioners shall cause to be stamped or written on the face thereof a notice that they are a part of such sinking fund, and are not negotiable; and all coupons thereof, as they become due and are paid, shall be cancelled. Securities to be stamped as not negotiable, etc.

SECT. 12. Each city and town which was indebted on the thirteenth day of June in the year eighteen hundred and seventy-five, to an amount exceeding five per cent. on the valuation for said year, for the assessment of taxes, of the taxable property therein, shall establish a sinking fund and contribute thereto from year to year an amount raised annually by taxation sufficient with its accumulations to extinguish the debt within thirty years from said date; and each city and town which was then indebted to an amount less than five per cent. and more than one per cent. on such valuation shall establish a sinking fund and contribute thereto as above provided, so as to extinguish the debt within twenty years from said date, subject however in both cases to the provisions of the following section. Cities and towns to establish sinking funds to redeem debt in not exceeding thirty or twenty years. 1875, 209, s. 7.

SECT. 13. In establishing and contributing to the sinking funds mentioned in the preceding section, it shall be suffi- Such funds sufficient if they provide

for the extinguishment of certain debts at maturity 1875, 209, s. 7.

cient to provide for the extinguishment at their maturity, of funded debts existing on the thirteenth day of June in the year eighteen hundred and seventy-five, and for the extinguishment within thirty years from said date of debts then existing and contracted for supplying the inhabitants with water.

Payment of debts at earlier periods than herein required, etc., not prohibited. 1875, 209, s. 8.

SECT. 14. Nothing contained in the first seventeen sections shall be construed as prohibiting the inhabitants of towns, or city councils, from paying or providing for the payment of any debts at earlier periods than is therein required; or from renewing the same in securities payable within the period required for the final payment of the debt; or from adding to any sinking funds the excess of any appropriation over the amount required for the purpose thereof, or any sums derived from taxation or from other sources, which are not required by law to be otherwise expended; and such additions may be made for the purpose of reducing the entire debt for the redemption of which the sinking fund was established, or of reducing the amount to be raised by taxation for such fund.

Loans from state sinking funds not to be made to certain towns, etc. 1875, 209, s. 9.

SECT. 15. No part of the sinking funds of the commonwealth shall, except for the renewal of loans existing on the thirteenth day of June in the year eighteen hundred and seventy-five, be lent to a city or town the indebtedness of which exceeds five per cent. of the last preceding annual valuation for the assessment of taxes, of the taxable property therein: or to a city or town which does not comply with the provisions of the first seventeen sections of this chapter; but the certificate of the treasurer of a city or town as to the per-

centage of its indebtedness, and as to such compliance, shall be deemed satisfactory evidence thereof for the justification of the treasurer of the commonwealth in making any such loan, unless he has reasonable cause to suppose that its statements are untrue.

Cities and towns not exempted from payment of debts lawfully contracted.

SECT. 16. The restrictions of the preceding sections shall not exempt a city or town from its liability to pay debts contracted for purposes for which it may lawfully expend money. [1875, 209, s. 10.

Supreme judicial court may compel compliance with foregoing provisions. 1875, 209, s. 11.

SECT. 17. The supreme judicial court by mandamus or other appropriate remedy, upon the suit or petition of the attorney general or of one or more taxable inhabitants of a city or town, or of any creditor to whom a city or town appears to said court to be indebted in an amount not less than one thousand dollars, may compel such city or town and its assessors, collectors, treasurers, commissioners of sinking funds, and other proper officers, to enforce the provisions of this and the preceding sections, and may hear and determine any cause of complaint in equity, where such remedy is more appropriate; and any justice of said court may in term time or vacation issue injunctions and make such orders and decrees as may be necessary or proper to enforce the provisions of said sections, and to restrain or prevent any violation thereof.

Cities accepting acts for water supply how to contract debts, etc., authorized by same. 1876, 19.

SECT. 18. A city which at a meeting of its voters duly held for that purpose has accepted, by a vote of two-thirds of the legal voters present and voting thereon, any act to supply said city with water, may, by a vote of the majority of the

members of each branch of the city council, taken by yeas and nays, contract debts and issue bonds for the purposes and to the extent authorized by such act, in like manner as provided in and subject to all the other provisions of the preceding sections.

Towns etc., not to increase their indebtedness by subscriptions in aid of railroads, beyond three per cent. of valuation. 1876, 175.

SECT. 19. No city or town shall, for the purpose of subscribing in aid of a railroad corporation, increase its indebtedness to an amount which with its existing net indebtedness, incurred for any purpose, exceeds three per cent. of the valuation of the taxable property therein, to be ascertained by the last preceding city or town valuation for the assessment of taxes; but the limitation of this section shall not apply to temporary loans in anticipation of the taxes of the year in which such debts are incurred and of the year next ensuing, and expressly made payable from such taxes by vote of the said city or town.

May establish sinking fund for payment of such indebtedness, etc. 1876, 133, s. 1.

SECT. 20. A city or town owing debts incurred in aid of a railroad corporation may, for the purpose of paying the same, establish a sinking fund, which shall be subject to the provisions of sections ten and eleven, and may contribute thereto any sums received from sales of the stock or securities of such corporations, or from dividends or interest upon the same, or from taxes voted for the payment of such indebtedness; and may transfer the custody and management of such stock and securities to the commissioners of such sinking fund.

May appoint commissioners 1876, 133, s. 2.

SECT. 21. A city or town having a sinking fund for the payment of its general indebtedness, under the provisions of this chapter, may by a vote of the inhabitants of such town,

or of the city council of such city, provide that the commissioners of such sinking fund shall be the commissioners of the sinking fund under the preceding section.

Shall raise by taxation sufficient sum to pay interest on such debts. 1876, 133, s. 3

SECT. 22. A city or town owing debts described in section twenty shall annually raise by taxation a sum sufficient, with the income, if any, derived from its stock or securities there mentioned, to pay the interest on such debts; and the remedies provided by section seventeen shall be applicable to proceedings under this and the two preceding sections.

Towns, etc., may issue new securities for old, recalled or paid. New, when to be made payable. 1876, 238, s. 4.

SECT. 23. A city or town which recalls and pays any of its securities, under rights reserved therein, may issue, in place of securities so recalled and paid, other securities payable at periods within the maturity of those originally issued. Such new securities shall, for debts created before the twenty-eighth day of May in the year eighteen hundred and seventy-six, be made payable within thirty years from the thirteenth day of June in the year eighteen hundred and seventy-five; and shall for debts created after said twenty-eighth day of May, be made payable within thirty years from the time of contracting the same.

Statutes 1882, Chap. 133. May by vote provide for annual proportionate payments, instead of establishing sinking funds.

SECT. 1. Any city or town required by chapter twenty-nine of the public statutes to establish a sinking fund for the payment of its indebtedness may, instead thereof, by a majority vote provide for the payment of such indebtedness in such annual proportionate payments as will extinguish the same within the time prescribed in said chapter; and when such vote has been heretofore or shall be hereafter passed, the amount required thereby shall, without further vote, be as-

sessed by the assessors in each year thereafter, until the debt shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the public statutes.

Returns to be made.
P. S. 11, s. 91.

SECT. 2. The return required by section ninety-one of chapter eleven of the public statutes shall state the amount of any sinking fund established, and if not so established whether action has been taken in accordance with the provisions of the preceding section and the amounts raised and applied thereunder for the current year.

SECT. 3. This act shall take effect upon its passage.

FIRES.

See Chaps. 35–104, Public Statutes. Amended by Statutes 1882, Chaps. 208 and 266.

FIRE INQUESTS.

See P. S. Chap. 216.

P. S. ch. 68, s. 2.

HAWKERS AND PEDDLERS.

Cities and towns may regulate sales of such articles by minors.
G. S. 50, s. 14.
1864, 151, s. 1.

SECTION 2. The city council of a city and the inhabitants of a town may authorize the mayor and aldermen or selectmen thereof to restrain the sale by minors of any goods,

wares or merchandise the sale of which is permitted by the preceding section; and while such authority remains in force such mayor and aldermen or selectmen may make rules restraining such sales by minors, or may grant licenses to minors to make such sales upon such terms and conditions as they may prescribe; but such rules shall not remain in force beyond their term of office. Whoever is guilty of a violation of the rules so made, and whoever sells any such articles without a license when one has been required, shall forfeit a sum not exceeding ten dollars for each offence.

HEALTH.

See P. S. Chap. 80. Amendments Statutes 1882, Chap. 270, sec. 3.

JURORS.

P. S. ch. 170, s. 6–9, 23–25.

Selectmen to prepare lists of persons qualified. G. S. 132, s. 6. 7 Met. 326.

SECTION 6. The selectmen of each town shall once in every year prepare a list of such inhabitants of the town, not absolutely exempt, as they think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions; which list shall include not less than one for every one hundred inhabitants of the town, and not more than one for every sixty inhabitants, computing by the then last census, except that in the county of Dukes County it may include one for every thirty inhabitants.

List to be posted up and approved or altered by town.
G. S. 132, s. 7.
7 Met. 326.

SECT. 7. The list when so prepared shall be posted up by the selectmen in public places in the town ten days at least before it is submitted for revision and acceptance, and shall then be laid before the town; and the town may alter it by adding the names of any persons liable to serve, or striking any names therefrom.

Names to be put into a box.
G. S. 132, s. 8.

SECT. 8. The selectmen shall cause the names borne on the list to be written, each on a separate paper or ballot, and shall roll up or fold the ballots so as to resemble each other as much as possible, and so that the name written thereon shall not be visible on the outside; and they shall place the ballots in a box to be kept by the town clerk for that purpose.

Name of person convicted, etc. to be withdrawn.
G. S. 132, s. 9.

SECT. 9. If a person whose name is so placed in the jury box is convicted of a scandalous crime, or is guilty of gross immorality, his name shall be withdrawn therefrom by the selectmen, and he shall not be returned to serve as a juror.

P. S. ch. 170, s. 23–25.
Lists, how made, etc. in cities.
G. S. 132, s. 21.
1876, 207.

SECT. 23. The list of jurors in cities, except Boston, shall be prepared and posted therein by the mayor and aldermen in like manner as required of selectmen, and when posted for ten days shall be submitted to the common council, which shall have like power as towns to revise and accept the same.

In Boston.
1876, 207.

SECT. 24. The list in Boston shall be prepared and posted by the board of registrars of voters in January or February of each year, in like manner as is required of selectmen, and when so posted for ten days shall be submitted to the board of aldermen, who shall revise and accept it, and shall thereafter proceed in like manner as is required of selectmen by

section eight, and shall place the ballots in a box to be kept by the city clerk for the purpose.

SECT. 25. The mayor and aldermen and the clerks of each city shall severally have and exercise all the powers and duties with regard to drawing and all other matters relating to jurors therein, except as provided in the preceding section which are in this chapter required to be performed by the selectmen and town clerks in their respective towns, and all venires for jurors to be returned from cities shall be served on the mayor and aldermen.

Drawing jurors etc. in cities. G. S. 132, s. 22. 1876, 207.

LIBRARY.

SECTION 9. Any town or city may establish and maintain a public library therein, with or without branches, for the use of the inhabitants thereof, and may provide suitable rooms therefor, under such regulations for its government as may from time to time be prescribed by the inhabitants of the town or by the city council.

P. S. ch. 40, s. 9, 10, 11. Towns and cities may establish libraries. G. S. 33, s. 8.

SECT. 10. Any town may at a legal meeting grant and vote money for the establishment, maintenance, or increase of a public library therein, and for erecting or providing suitable buildings or rooms therefor; and may receive, hold, and manage any devise, bequest, or donation for the establishment, increase, or maintenance of any such library.

SECT. 11. The city government of a city or the selectmen of a town, in which there is a public library owned and main-

May place certain books, etc. in libraries. 1871, 26.

tained by such city or town, may place in such library, for the use of the inhabitants, such books, reports and laws as have been or may be received from the Commonwealth.

LICENSES.

P. S. ch. 102, s. 111–114.

BILLIARD TABLES AND BOWLING ALLEYS.

Billiard tables, etc. to be licensed.
G. S. 88, s. 69.
1876, 147, s. 1, 2.
1880, 94.

SECTION 111. The mayor and aldermen of any city except Boston, and in Boston the police commissioners, and the selectmen of any town, may grant a license to any person to keep a billiard, pool or sippio table or a bowling alley for hire, gain or reward upon such terms and conditions as they deem proper, to be used for amusement merely, but not for the purpose of gaming for money or other property, subject to the provisions of sections one hundred and twenty-four to one hundred and twenty-seven inclusive, and may revoke the same at pleasure.

Penalty.
G. S. 88, s. 70.
1880, 94.
109 Mass. 344.
127 Mass. 555.

SECT. 112. Whoever without such license keeps or suffers to be kept in a house, building, yard or dependency thereof, by him actually occupied or owned a table for the purpose of playing at billiards, pool, or sippio, or a bowling alley for the purpose of playing at bowls, for hire, gain or reward or for hire, gain or reward suffers any person to resort to the same for such purpose, shall forfeit for every such offence a sum not exceeding one hundred dollars.

SECT. 113. The keeper of a billiard, pool or sippio room or table or bowling alley, who admits a minor thereto without the written consent of his parent or guardian, shall forfeit ten dollars for the first and twenty dollars for each subsequent offence. [98 Mass. 6.

For admitting minors, etc.
G. S. 88, s. 71.
1866, 237.
1880, 94.
8 Gray, 488.
98 Mass. 6.

SECT. 114. The provisions of section thirty-nine shall apply to the erection, occupancy, or use of buildings for bowling alleys in any city or town.

For erecting bowling alley, etc.
G. S. 88, s. 73.

FIREWORKS.

Ch. 102, s. 54, 55.

SECTION 54. Whoever sells, gives away, or offers for sale, or has in his possession with intent to sell, any of the fireworks called rockets, crackers, squibs or serpents, without license from the mayor and aldermen of the city or selectmen of the town, shall for every such offence forfeit a sum not exceeding ten dollars.

For selling rockets, etc. without license
G. S. 88, s. 46.

SECT. 55. Whoever sets fire to, or has in his possession with intent to set fire to, a rocket, cracker, squib, or serpent, or throws any lighted rocket, cracker, squib or serpent within a city or town, without the license of the mayor and aldermen or selectmen, shall for every offence forfeit a sum not exceeding ten dollars.

For firing rockets, etc. without license.
G. S. 88, s. 47.

SECT. 1. The city council of any city, and the selectmen of any town, may adopt such rules and regulations as they may deem reasonable in relation to the sale or use, within the

Stat. 1882, ch. 272.
Cities and towns may regulate sale,

etc. of toy pistols.

limits thereof, of toy pistols, toy cannon, and all other articles in which explosive compounds of any kind are used, or of which such compounds form a part, and may affix penalties for violation of such rules and regulations not exceeding fifty dollars for any one offence; but no such rule or regulation shall take effect until it has been approved by the superior court, or in vacation by a justice thereof, and with such approval entered and recorded, as provided in section twenty-one of chapter twenty-seven of the public statutes.

SECT. 2. This act shall take effect upon its passage.

P. S. ch. 102.

INNHOLDERS AND COMMON VICTUALLERS.

Penalty on innholder or common victualler without license
G. S. 88, s. 1.
24 Pick. 352.
5 Gray, 597.
101 Mass. 214.

SECTION 1. Whoever presumes to be an innholder or common victualler, without being licensed as such according to the provisions of this chapter, shall forfeit one hundred dollars. [105 Mass. 263.

Licenses, how granted.
G. S. 88, s. 2.
1875, 99, s. 6, cl. 5.
1878, 241, s. 8
1879, 38, s. 1.

SECT. 2. The mayor and aldermen of any city except Boston, and the selectmen of a town, may grant licenses to persons to be innholders or common victuallers in such city or town. No such license shall be issued until it has been signed by the mayor and a majority of the aldermen of the city, or a majority of the selectmen of the town in which it is granted. A mayor, alderman or selectman, may refuse to sign a license to a person who in his opinion has not complied with the provisions of this chapter; and any such officer who signs a license granted contrary to the provisions of this

chapter shall be punished by fine not exceeding fifty dollars. All the provisions of this chapter relative to the licensing of innholders and common victuallers by the mayors and aldermen of cities, shall in Boston apply to the board of police commissioners; and no such license shall be valid unless signed by a majority of the members of the board.

SECT. 3. Every such license shall specify the street, lane, alley or other place, and the number of the building, or give some other particular description thereof, where the person licensed shall exercise his employment; and the license shall not protect a person exercising his employment in any other place than that so specified.

What to contain. G. S. 88, s. 2.

SECT. 4. Such license shall expire on the first day of April of each year; but may be granted during the month of March, to take effect on the first day of April then next ensuing, except that in Boston all such licenses shall expire on the first day of May next after they take effect.

When to expire. 1878, 241, s. 9. 1879, 38, s. 2.

SECT. 5. Every innholder shall at all times be furnished with suitable food for strangers and travellers, and shall also have upon his premises suitable rooms, with beds and bedding, for their lodgings. He shall also be furnished with stable room, hay and provender for the horses and cattle of his guests, when the authorities issuing the license so require.

Innholders to have suitable food, rooms, etc. for travellers. 1878, 241, s. 1.

SECT. 6. Every common victualler shall be at all times furnished with suitable food for strangers and travellers. [1878, 241, s. 2.

Victuallers to have suitable food for travellers.

Innholder's license not to be granted to one unprovided, etc. 1878, 241, s. 3.

SECT. 7. No innholder's license shall be granted or issued to any person, unless at the time of making application therefor he has upon his premises the necessary implements and facilities for cooking, preparing, and serving food, the rooms, beds and bedding, and the stable room and provender for horses and cattle, required by section five.

Victualler's license not to be granted to one unprovided, etc. 1878, 241, s. 4.

SECT. 8. No common victualler's license shall be granted or issued to any person, unless at the time of making application therefor he has upon his premises the necessary implements and facilities for cooking, preparing, and serving food for strangers and travellers.

Penalty on innholders for refusing to receive travellers 1878, 241, s. 5.

SECT. 9. If an innholder, when requested, refuses to receive and make suitable provision for a stranger or traveller, and also for his horses and cattle, when he may under this chapter be legally required so to do, he shall be punished by fine not exceeding fifty dollars and, in addition to said penalty, shall forfeit his license.

Victualler for refusing to supply food. 1878, 241, s. 6.

SECT. 10. If a common victualler, when requested, upon any other than the Lord's day, refuses to supply food to a stranger or traveller, he shall be punished by fine not exceeding fifty dollars; and, in addition to said penalty, shall forfeit his license.

Licenses to be revoked, when. 1878, 241, s. 7.

SECT. 11. When in the opinion of the mayor and aldermen of a city, or the selectmen of a town, a person holding a license as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities re-

quired by this chapter, they shall immediately revoke his license.

Liability of innholders for loss of property. 1870, 338, s. 1. 9 Pick. 280.

SECT. 12. Innholders shall not be liable for losses sustained by their guests, except losses of wearing apparel, articles worn or carried on the person to a reasonable amount, personal baggage and money necessary for travelling expenses and personal use, unless upon delivery or offer of delivery by such guests of their money or other property to the innholder, his agents or servants, for safe keeping.

Penalty for fraudulently procuring entertainment at an inn. 1870, 338, s. 2.

SECT. 13. Whoever puts up at an inn, and without having an express agreement for credit, procures food, entertainment, or accommodation without paying therefor, and with intent to cheat or defraud the owner or keeper of the inn out of the pay for the same; or, with intent to cheat or defraud such owner or keeper out of the pay therefor, obtains credit at an inn for such food, entertainment or accommodation by means of any false show of baggage or effects brought thereto; or, with such intent, removes or causes to be removed any baggage or effects from an inn or boarding house, while there is a lien existing thereon for the proper charges due from him for fare and board furnished therein, shall be punished by imprisonment not exceeding three months, or by fine not exceeding one hundred dollars.

Copy of sections twelve to fourteen inclusive to be posted in inns.

SECT. 14. Innholders shall post up a printed copy of sections twelve, thirteen and fourteen in a conspicuous place in each room of their inns. [1870, 338, s. 3.

Liability in case of loss by fire.
G. S. 88, s. 11.
9 Pick. 280.

SECT. 15. In case of loss by fire or overwhelming force, innholders shall be answerable to their guests only for ordinary and reasonable care in the custody of their baggage or other property.

In case of such loss, innholder may show negligence of guests.
G. S. 88, s. 12.

SECT. 16. An innholder against whom a claim is made for loss sustained by a guest may in all cases show that such loss is attributable to the negligence of the guest himself, or to his non-compliance with the regulations of the inn, if such regulations are reasonable and proper, and are shown to have been duly brought to the notice of the guest by the innholder.

Innholders, etc. to put up signs. Penalty.
G. S. 88, s. 14.

SECT. 17. Every innholder and common victualler shall at all times have a board or sign affixed to his house, shop, cellar or store, or in some conspicuous place near the same, with his name at large and the employment for which he is licensed thereon, and upon neglect thereof shall forfeit twenty dollars.

To be imprisoned, if fine not paid.
G. S. 88, s. 15.
23 Pick. 280.

SECT. 18. Whoever is convicted under the provisions of the preceding sections, except those contained in sections nine and ten and fails to pay the fine and costs awarded against him, may be imprisoned in the jail for a time not exceeding ninety days, at the discretion of the court or justice before whom the trial is had.

Penalty on second conviction.
G. S. 88, s. 16.

SECT. 19. Whoever, being licensed under the provisions of the preceding sections, is convicted a second time of a breach of any of said provisions, shall in addition to the penalties before provided be adjudged to have forfeited his license.

SECT. 20. Whoever is convicted a third time of a breach of any of the provisions of the preceding sections, except those contained in sections nine and ten, shall in addition to the penalties before provided be punished by imprisonment in the jail not exceeding ninety days.

Penalty on third conviction. G. S. 88, s. 17.

SECT. 21. No innholder, tavern keeper, retailer, confectioner or keeper of a shop or house for the sale of drink or food, or a livery stable keeper for horse or carriage hire, shall give credit to a student in an incorporated academy or other educational institution within the state.

Innholders, etc., not to give credit to students, etc. G. S. 88, s. 18. 1 Pick 177.

SECT. 22. No person shall be approved or licensed for either of the employments aforesaid, if it appears that he has given credit contrary to the provisions of the preceding section. [G. S. 88, s. 19.

Violating preceding section, not to be licensed.

SECT. 23. Whoever gives credit contrary to the provisions of section twenty-one shall forfeit a sum equal to twice the amount so unlawfully trusted or credited, whether the same is paid or not.

Penalty. G. S. 88, s. 20.

SECT. 24. Nothing contained in this chapter shall be construed to require the mayor and aldermen or selectmen to grant either of the licenses aforesaid, when in their opinion the public good does not require it. And when such license is granted, no fee shall be charged therefor.

Mayor, etc. not required to license. No fee G. S. 88, s. 21.

P. S. c. 102.

INTELLIGENCE OFFICES.

Penalty for keeping intelligence office without license G. S. 88, s. 23. 1872, 237.

SECTION 26. Whoever, without a license therefor, establishes or keeps an intelligence office for the purpose of obtaining or giving information concerning places of employment for domestics, servants, or other laborers, except seamen, or for the purpose of procuring or giving information concerning such persons for or to employers, or for the purpose of procuring or giving information concerning employment in business, shall pay a fine of ten dollars for each day such office is so kept.

Mayor, etc. may grant licenses, except, etc. G. S. 88, s. 24. 1876, 147, s. 1, 2. 1880, 84, s. 1.

SECT. 27. The mayor and aldermen of any city except Boston, and in Boston the police commissioners, and the selectmen of any town, may, for the purposes mentioned in the preceding section, grant licenses to suitable persons, subject to the provisions of sections one hundred and twenty-four to one hundred and twenty-seven inclusive, and may revoke the same at pleasure. They shall receive one dollar for each license so granted.

INTOXICATING LIQUORS.

See P. S. Chap. 100. Stat. 1882, Chaps. 221, 222, 242, 259.

JUNK, OLD METALS AND SECOND-HAND ARTICLES.

Licenses to deal in junk, etc.

SECTION 28. The mayor and aldermen of any city except Boston, and in Boston the police commissioners, and the

selectmen of any town, if by-laws therefor have been adopted in such city or town, may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, or second-hand articles, in such city or town, subject to the provisions of sections one hundred and twenty-four to one hundred and twenty-seven inclusive, and may revoke such licenses at pleasure.

G. S. 88, s. 25, 26
1876, 147, s. 1, 2.
1880, 84, s. 1.

SECT. 29. A city or town may provide by ordinance or by-law that every keeper of a shop for the purchase, sale, or barter of junk, old metals, or second-hand articles, within its limits, shall keep a book, in which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made; that such book shall at all times be open to the inspection of the mayor and aldermen or selectmen, and of any person by them respectively authorized to make such inspection; that every keeper of such shop shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters; that such shop, and all articles of merchandise therein, may be at all times examined by the mayor and aldermen or selectmen or by any person by them respectively authorized to make such examination; and that no keeper of such shop shall directly or indirectly either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such; and that no article purchased or received shall be sold until a period of at least one week from the date of its purchase or receipt has elapsed. A city or town may also prescribe in

Towns may make rules for dealers, etc.
1862, 205, s. 1.

like manner the hours in which such shops shall be closed, and that no keeper thereof shall purchase any of the articles aforesaid during such hours.

Such rules to be expressed in licenses.

SECT. 30. Every such rule, regulation and restriction shall be incorporated in every such license. [1862, 205, s. 2.

Penalty. G. S. 88, s. 27. 1862, 205, s. 3.

SECT. 31. Whoever not being so licensed keeps such shop or is such dealer in such city or town, or being licensed keeps such shop or is such dealer in any other place or manner than that designated in his license, or after notice to him that his license has been revoked shall forfeit twenty dollars for each offence; and whoever violates any rule, regulation, or restriction contained in his license, shall forfeit a sum not exceeding twenty dollars for each offence.

P. S. ch. 57.

OF THE INSPECTION AND SALE OF MILK.

Appointment of inspectors of milk. 1864, 122, s. 1.

SECTION 1. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more persons to be inspectors of milk for their respective places, who shall be sworn before entering upon the duties of their office. Each inspector shall publish a notice of his appointment for two weeks in a newspaper published in his city or town, or if no newspaper is published therein, he shall post up such notice in two or more public places in such city or town.

Their duties and powers. 1864, 122, s. 2. 11 Allen, 264.

SECT. 2. Such inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons engaged in the sale of milk within their city or town. They may enter all places where milk is stored or kept for sale and all carriages used for the conveyance of milk; and when they have reason to believe that any milk found by them is adulterated, they shall take specimens thereof and cause the same to be analyzed or otherwise satisfactorily tested, the result of which analysis or test they shall record and preserve as evidence; and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this chapter. The inspectors shall receive such compensation as the mayor and aldermen or selectmen may determine.

Persons selling milk from carriages to be licensed. 1880, 209, s. 1.

SECT. 3. In all cities, and in all towns in which there is an inspector of milk, every person who conveys milk in carriages or otherwise for the purpose of selling the same in such city or town shall annually on the first day of May, or within thirty days thereafter, be licensed by the inspector or inspectors of milk of such city or town to sell milk within the limits thereof, and shall pay to such inspector or inspectors fifty cents each to the use of the city or town. The inspector or inspectors shall pay over monthly to the treasurer of such city or town all sums collected by him or them. Licenses shall be issued only in the names of the owners of carriages or other vehicles, and shall for the purposes of this chapter be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages or other

vehicles used, name and residence of every driver or other person engaged in carrying or selling said milk, and the number of the license.

Each licensee shall before engaging in the sale of milk cause his name, the number of his license, and his place of business to be legibly placed on each outer side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector or inspectors any change of driver or other person employed by him which may occur during the term of his license. Whoever without being first licensed under the provisions of this section, sells milk or exposes it for sale from carriages or other vehicles, or has it in his custody or possession with intent so to sell, and whoever violates any of the provisions of this section, shall for a first offence be punished by fine of not less than thirty nor more than one hundred dollars; for a second offence by fine of not less than fifty nor more than three hundred dollars; and for a subsequent offence by fine of fifty dollars and by imprisonment in the house of correction for not less than thirty nor more than sixty days.

Persons selling milk in stores, etc., to be registered. 1880, 209, s. 2. 1 Allen, 593. 2 Allen, 157.

SECT. 4. Every person before selling milk or offering it for sale in a store, booth, stand or market-place in a city or in a town in which an inspector or inspectors of milk are appointed, shall register in the books of such inspector or inspectors, and shall pay to him or them fifty cents to the use of such city or town; and whoever neglects so to register shall be punished for each offence by fine not exceeding twenty dollars.

Penalty for selling, etc., adulterated

SECT. 5. Whoever by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges,

or delivers, or has in his custody or possession with intent to sell or exchange or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk produced from cows fed on the refuse of distilleries, or from sick or diseased cows, shall for a first offence be punished by fine of not less than fifty nor more than two hundred dollars; for a second offence by fine of not less than one hundred nor more than three hundred dollars or by imprisonment in the house of correction for not less than thirty nor more than sixty days; and for a subsequent offence by fine of fifty dollars, and by imprisonment in the house of correction for not less than sixty nor more than ninety days.

milk, etc.
1880, 209, s. 3.
9 Allen, 489.
10 Allen, 199.
11 Allen, 264.
107 Mass. 194.

SECT. 6. Whoever by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers or has in this custody or possession with intent to sell or exchange or exposes or offers for sale as pure milk, any milk from which the cream or a part thereof has been removed, shall be punished by the penalties provided in the preceding section.

For selling milk from which cream has been removed.
1880, 209, s. 4.

SECT. 7. No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the centre upon the outside of every vessel, can, or package from or in which such milk is sold the words "skimmed milk" are distinctly marked in letters not less than one inch in length.

Vessels containing milk from which cream has been removed to be marked "skimmed milk."
1880, 209, s. 5.

Whoever violates the provisions of this section shall be punished by the penalties provided in section five.

Penalty on inspectors, etc., for conniving, etc.
1880, 209, s. 6.

SECT. 8. Any inspector of milk, and any servant or agent of an inspector who wilfully connives at or assists in a violation of the provisions of this chapter, shall be punished by fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not less than thirty nor more than sixty days.

What milk to be deemed adulterated.
1880, 209, s. 7.

SECT. 9. In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-seven per cent. of watery fluid, or to contain less than thirteen per cent. of milk solids, it shall be deemed for the purposes of this chapter to be adulterated.

Inspectors to institute complaints.
1869, 150, s. 3.

SECT. 10. It shall be the duty of every inspector to institute a complaint for a violation of any of the provisions of this chapter on the information of any person who lays before him satisfactory evidence by which to sustain such complaint.

Names, etc., of persons convicted to be published.
1880, 209, s. 9.

SECT. 11. Each inspector shall cause the name and place of business of every person convicted of selling adulterated milk, or of having the same in his possession with intent to sell, to be published in two newspapers in the county in which the offence was committed.

Milk cans to hold eight quarts when, etc.

SECT. 12. When milk is sold by the can, such can shall hold eight quarts and no more. [1873, 180, s. 2.

Licenses to pawnbrokers. G. S. 88, s. 28, 29 1876, 147, s. 1, 2. 1880, 84, s. 1.

SECTION 32. The mayor and aldermen of any city except Boston, and in Boston the police commissioners, and the selectmen of any town, if by-laws therefor have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to the provisions of sections one hundred and twenty-four to one hundred and twenty-seven inclusive, and may revoke such licenses at pleasure.

Pawnbrokers to retain articles four months, etc. 1879, 102, s. 1.

SECT. 33. Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least four months from the date of deposit, if not of a perishable nature; and if perishable, for at least one month from said date; after which he may sell the same at public auction, and apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and any surplus shall be paid to the party entitled thereto on demand; and no article taken in pawn by such pawnbroker, exceeding in value the sum of twenty-five dollars, shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding.

Rate of interest may be limited. 1879, 102, s. 2.

SECT. 34. The board of officers licensing pawnbrokers in any place may fix the rate of interest which such pawnbrokers may receive on loans, and may fix different rates which may be received for different amounts of money lent; and no licensed pawnbroker shall charge or receive a greater rate of interest than that so fixed. Any such pawnbroker who vio-

lates any provision of this or the preceding section shall be punished by fine not exceeding fifty dollars for each offence.

Pawnbroker's shop may be entered and examined, etc. 1877, 185, s. 1.

SECT. 35. The chief of police of a city or the selectmen of a town, or any officer authorized by either of them, may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises, and all books and inventories relating thereto; and every such pawnbroker, his clerk, agent, servant, or other person in charge of the premises, shall exhibit to such officer on demand any or all of such articles, books and inventories.

Penalty for refusing to admit officer. 1877, 185, s. 2.

SECT. 36. A licensed pawnbroker, clerk, agent or other person in charge of such premises, who refuses to admit thereto an officer authorized to enter the same, or fails to exhibit to him on demand all such articles, books and inventories, and any person who wilfully hinders, obstructs or prevents such officer from entering the premises, or from making the examination authorized in the preceding section, shall be punished by fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

For carrying on business without license G. S. 88, s. 30.

SECT. 37. Whoever not being licensed carries on such business or is concerned therein within such city or town, or being licensed carries on such business or is concerned therein in any other place or manner than that designated in his license, or after notice to him that his license is revoked, shall pay a fine not exceeding fifty dollars for each offence.

STABLES. P. S. ch. 102.

Livery stables in maritime towns. G. S. 88, s. 31. 5 Allen, 213.

SECTION 38. Whoever occupies or uses a building in a maritime place for a livery stable, except in such part thereof as the mayor and aldermen or selectmen direct, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a longer or shorter time.

Penalty for unauthorized erection or use of stables. G. S. 88, s. 32.

SECT. 39. Whoever erects, occupies or uses a building for a stable for more than four horses in any part of a city or town, except such part as the mayor and aldermen or selectmen direct, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a longer or shorter time. And the supreme judicial court or a justice thereof, in term time or vacation, may issue an injunction to prevent such erection, occupancy, or use, without such direction.

STEAM ENGINES AND BOILERS. P. S. ch. 102.

Steam engines, etc., not to be used, etc. without license. G. S. 88, s. 33. 1 Allen, 137.

SECTION 40. No furnace for melting iron or making glass, and no stationary steam engine designed for use in a mill for planing or sawing boards or turning wood, or in which any other fuel than coal is used to create steam, shall be erected or put up to be used in a city or town which adopts this and the eight following sections, or has adopted the corresponding sections of earlier statutes, at a legal meeting of the city council of the city or the inhabitants of the town called for

that purpose, unless the mayor and aldermen or selectmen thereof have granted a license therefor, prescribing the place where the building shall be erected in which the steam engine or furnace is to be used, and the materials and construction thereof, with such regulations as to the height of flues and protection against fire as they deem necessary for the safety of the neighborhood. Such license may be granted on a written application, and shall be recorded in the records of the city or town.

Public notice of applications for licenses. G. S 88, s. 34.

SECT. 41. Upon application for such license, the mayor and aldermen or selectmen shall assign a time and place for the consideration of the same, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may direct, in order that all persons interested may be heard thereon.

Municipal officers may regulate steam engines, etc. G. S. 88, s. 35.

SECT. 42. In a city or town which adopts sections forty to forty-eight inclusive, or has adopted the corresponding sections of earlier statutes, at a legal meeting of the city council of the city or the inhabitants of the town called for that purpose, the mayor and aldermen or selectmen, after due notice in writing to the owner of such steam engine or furnace, except for making glass, erected or in use therein before the time of such adoption, and a hearing of the matter, may adjudge the same to be dangerous or a nuisance to the neighborhood, and make and record an order prescribing such rules, restrictions and alterations as to the building in which the same is constructed or used, the construction and height of its smoke flues, with such other regulations as they deem necessary for the safety of the neighborhood; and the city or

town clerk shall deliver a copy of such order to a constable, who shall serve on the owner an attested copy thereof, and make return of his doings thereon to said clerk within three days from the delivery thereof to him.

P. S. ch. 102. Appeal and proceedings thereon. G. S. 88, s. 36. 1873, 261. 117 Mass. 76. 119 Mass. 485. 126 Mass. 287. 128 Mass. 36, 347

SECT. 43. An owner of a steam engine or furnace who is aggrieved by such order may within three days after the service upon him of such order apply to the superior court, or a justice thereof in vacation for a jury; and the court or justice shall issue a warrant for a jury to be impanelled by the sheriff within fourteen days from the issuing of the warrant, in like manner as is provided in chapter forty-nine in regard to the laying out of highways; or instead thereof, if the applicant so elects, and after such notice as the court or justice shall order to the adverse party or parties, shall direct a trial to be had at the bar of the superior court in the same manner as other civil cases are there tried by jury.

Injunction pending appeal. G. S. 88, s. 37.

SECT. 44. The court or justice on granting the application for a jury, may issue an injunction restraining the further use of such engine or furnace until the final determination of the application.

Verdict of jury. G. S. 88, s. 38.

SECT. 45. The jury may find a verdict either affirming or annulling the order in full, or making alterations therein; which verdict shall be returned by the sheriff, if the trial is had before him, to the next term of the court for acceptance as in the case of highways; and the verdict whether before the sheriff or in the superior court, when accepted, shall take effect as an original order.

Costs.
G. S. 88, s. 39.

SECT. 46. If the order is affirmed, costs shall be recovered by the city or town against the applicant; if it is annulled, damages and costs shall be recovered by the applicant against the city or town; and if it is altered, the court may render such judgment as to costs, as to justice shall appertain.

Stationary engine forbidden when, etc.
1862, 74, s. 1, 3.

SECT. 47. No stationary engine, propelled by steam or other motive power, shall be hereafter erected or put up for use in a city or town in which this section or chapter seventy-four of the statutes of the year eighteen hundred and sixty-two has been adopted in the manner provided in section forty of this chapter, within five hundred feet of a dwelling house or public building, unless a license therefor has been first granted and recorded in the manner herein provided.

Steam engines when nuisances, etc.
G. S. 88, s. 40.
1862, 74, s. 2.

SECT. 48. A steam engine or furnace erected or used contrary to the provisions of the eight preceding sections shall be deemed a common nuisance; and the mayor and aldermen or selectmen may remove the same in the same manner as boards of health may remove nuisances under sections twenty-one, twenty-two and twenty-three of chapter eighty.

THEATRICAL EXHIBITIONS.

See AMUSEMENTS.

OF THE PUBLIC RECORDS.

P. S. ch. 37.

Linen paper to be used for records. American manufacture to be preferred. G. S. 29, s. 1.

SECTION 1. All matters of public record in any office shall be entered or recorded on paper made wholly of linen, of a firm texture, well sized and well finished; and in the selection of paper for such records a preference shall be given to linen paper of American manufacture, if it is marked in water line with the word "linen" and also with the name of the manufacturer.

Records to be bound and papers filed, etc. G. S. 29, s. 2.

SECT. 2. The county commissioners, city governments and selectmen of the respective counties, cities and towns, shall have all books of public record or registry belonging thereto substantially bound, and all papers and documents within their respective departments duly filed and arranged conveniently for examination and reference, and shall also cause such of said records as may be left incomplete by any clerk or register to be made up and completed by his successor from the files and usual memoranda as far as practicable, and certified and preserved in the same manner and with the same effect as if the same had been done by the officer who left them incomplete.

Fire-proof safes to be provided for city and town records, etc. G. S. 29, s. 4.

SECT. 4. City governments and selectmen shall provide, at the expense of their respective cities and towns, fire proof safes of ample size for the preservation of books of record or registry and other important documents or papers belonging to such cities or towns; and the clerk of each city and town shall keep in the safe so provided all such books, papers and documents at all times except when they are wanted for use.

Town may cause its records of grants etc., to be copied. G. S. 29, s. 5.

SECT. 5. A city or town way cause to be carefully copied such of its records as relate to grants of land, to divisions and alotments of land made by the original proprietors of the township, or to easements, private rights, or ways, and also any records of births and marriages kept by such city or town or by a parish within the same.

Town may cause such records of town from which it was set off to be copied. G. S. 29, s. 6.

SECT. 6. A city or town, whose territory has in whole or in part been set off from any other city or town, may cause to be carefully copied such records named in the preceding section as relate to lands, easements, rights or ways situated in the territory so set off.

Worn records and records of other counties, etc., may be copied. G. S. 29, s. 7.

SECT. 7. When the records of a county, city or town are becoming worn, mutilated, or illegible, the county commissioners, city government, or selectmen shall have fair and legible copies seasonably made; and when the interests of a county, city, or town require it, the county commissioners, mayor and aldermen, selectmen or overseers of the poor, may have copies of records, parts of records, papers or documents in the legal custody of any other county, city or town so made at the expense of their respective counties, cities or towns; and such copies shall be certified, by the register or clerk of the office in which they are made, to be true copies of the originals, and shall be preserved in like manner as the original records, papers and documents of the place for which they are made.

Copies, when compared and certified, to

SECT. 8. A copy, made in pursuance of the provisions of the preceding sections, and compared and certified under oath by the clerk or register having custody of the original, to be

a true copy, shall have the same force and effect, when deposited among the records of the place for which it is made, as if it were an original record or an original paper or document deposited there.

have force of originals. G. S. 29, s. 8.

SECT. 12. Registers of deeds and the registers and clerks of courts, cities and towns shall keep all records and documents belonging to their respective offices in their sole custody, and shall in no case except upon summons in due form of law or when the temporary removal of records and documents in their custody is necessary or convenient for the transaction of the business of the courts or the performance of the duties of their respective offices, cause or permit any record or document to be removed therefrom.

Records not to be removed, except, etc. G. S. 29, s. 9.

SECT. 15. When a church or religious society ceases to have a legal existence, and the care of its records and registries is not otherwise provided for by law, the person having possession of such records or registries shall deliver them to the clerk of the city or town in which such church or society was situated, and such clerk may certify copies thereof.

Town or city clerk to have custody of records of churches which cease to exist. G. S. 29, s. 12.

SECT. 16. Every county, city and town, for each month it neglects or refuses to perform any duty required by this chapter, shall forfeit twenty dollars; every register or clerk who neglects or refuses to perform any such duty shall forfeit for each offence ten dollars; every person who takes and carries away any books of record, paper, or written document belonging to the records or files of any county, city, or town, except as is provided in section twelve or who defaces, alters or mutilates, by mark, erasure, cutting or otherwise, any such

Penalties. G. S. 29, s. 13.

record, paper, or written document, shall forfeit a sum not exceeding fifty dollars; and every person who, after demand made by the clerk entitled by law to have possession of books of record and other documents mentioned in the two preceding sections, wrongfully detains the same, shall forfeit fifty dollars.

P. S. ch. 212.

REWARDS OFFERED BY MAYOR AND ALDERMEN.

Mayor, etc., may offer reward, etc. G. S. 170, s. 7. 1866, 9, s. 1. 7 Met. 409. 5 Cush. 219. 7 Gray, 374.

SECT. 12. The mayor and aldermen of a city or selectmen of a town, when in their opinion the public good requires it, may offer a suitable reward, to be paid by such city or town, not exceeding five hundred dollars in one case, to any person who in consequence of such offer secures a person charged with a capital crime or other high crime or misdemeanor committed in such place, or detects and secures a person who has committed such crime in such place; and such reward shall be paid by the treasurer upon the warrant of the mayor and aldermen or selectmen.

Payment of reward. G. S. 170, s. 8. 1866, 9, s. 2.

SECT. 13. When more than one claimant applies for the payment of such reward, the mayor and aldermen or selectmen shall determine to whom the same shall be paid, and if to more than one person, in what proportion to each; and their determination shall be final and conclusive.

PUBLIC PARKS.

P. S. chap. 54, sects. 13 to 17.
Stat. of 1882, chap. 154.

RIOTS.

P. S. ch. 206.

Unlawful assembly, how suppressed. G. S. 164, s. 1. 10 Mass. 518.

SECTION 1. If persons to the number of twelve or more, being armed with clubs or other dangerous weapons, or if persons to the number of thirty or more, whether armed or not, are unlawfully, riotously, or tumultuously assembled in a city or town, it shall be the duty of the mayor and of each of the aldermen of such city, of each of the selectmen of such town, of every justice of the peace living in any such city or town, and of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as may be with safety, and in the name of the commonwealth to command all the persons so assembled immediately and peaceably to disperse; and if such persons do not thereupon immediately and peaceably disperse, it shall be the duty of each of said magistrates and officers to command the assistance of all persons there present in seizing, arresting and securing such persons in custody, so that they may be proceeded with for their offence according to law.

Refusing to assist when required, or to disperse when commanded. G. S. 164, s. 2.

SECT. 2. If a person present, being commanded by any of the magistrates or officers mentioned in the preceding section to aid or assist in seizing and securing such rioters or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, or, when required by such magistrate or officer to depart from the place, refuses or neglects so to do, he shall be deemed one of the rioters or persons unlawfully assembled, and may be prosecuted and punished accordingly.

Neglect of mayor or other

SECT. 3. If a mayor, alderman, selectman, justice of the peace, sheriff or deputy sheriff, having notice of any such

Officer to suppress, etc. G. S. 164, s. 3.

riotous or tumultuous and unlawful assembly in the city or town in which he lives, neglects or refuses immediately to proceed to the place of such assembly, or as near thereto as he can with safety, or omits or neglects to exercise the authority with which he is invested by this chapter for suppressing such assembly, and for arresting and securing the offenders, he shall be punished by fine not exceeding three hundred dollars.

Officers may quell unlawful assembly by force, etc. G. S. 164, s. 4. 98 Mass. 444.

SECT. 4. If any persons who are so riotously or unlawfully assembled, and who have been commanded to disperse, as before provided, refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise as may be necessary, and shall proceed, in such manner as in their judgment is expedient, forthwith to disperse and suppress such assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

Armed force, if called out, to obey orders of governor, judge, etc. G. S. 164, s. 5.

SECT. 5. When an armed force, called out in the manner provided by chapter fourteen to suppress a tumult or riot, or to disperse a body of men acting together by force and with intent to commit a felony or to offer violence to persons or property, or with intent by force or violence to resist or oppose the execution of the laws of this state, arrive at the place of such unlawful, riotous or tumultuous assembly, they shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all persons who are committing any of said offences, as they have received from the governor, or a judge of a court of record, or the sheriff of the county

and also such orders as they there receive from any two of the magistrates or officers before mentioned.

Officers, etc., to be held guiltless, though death is caused. Rioters, etc., responsible. G. S. 164, s. 6. 7 Allen, 541.

SECT. 6. If, by reason of the efforts made by any two or more of said magistrates or officers or by their direction to disperse such assembly, or to seize and secure the persons composing the same, who have refused to disperse, though the number remaining may be less than twelve, any such person or any other person then present is killed or wounded, the magistrates and officers, and all persons acting by their order or under their direction, and all persons acting under the two preceding sections, shall be held guiltless, and fully justified in law; and if any of said magistrates or officers, or any person acting under or by the direction of any of the officers before mentioned, is killed or wounded, all persons so assembled and all other persons who, when commanded or required, refused to aid and assist said magistrates or officers, shall be held answerable therefor.

Riotously destroying dwelling house, etc. G. S. 164, s. 7.

SECT. 7. If any of the persons so unlawfully assembled demolishes, pulls down, or destroys, or begins to demolish, pull down or destroy, a dwelling house or other building, or a ship or vessel, he shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding one thousand dollars and imprisonment in the jail not exceeding two years, and shall also be answerable to any person injured, to the full amount of the damage, in an action of tort.

Towns, etc., to pay three-fourths of value of prop-

SECT. 8. When property of the value of fifty dollars or more is destroyed, or when property is injured to that amount, by persons to the number of twelve or more, riotously, rout-

erty destroyed or injured. G. S. 164, s. 8.

ously, or tumultuously assembled, the city or town within which the property was situated shall if the owner of such property uses all reasonable diligence to prevent its destruction or injury, and to procure the conviction of the offenders, be liable to indemnify the owner thereof to the amount of three-fourths of the value of the property destroyed, or of the amount of such injury thereto, to be recovered in an action of tort.

May recover from offenders. G. S. 164, s. 9.

SECT. 9. A city or town which pays any sum under the provisions of the preceding section may recover the same against any or all of the persons who destroyed or injured such property.

SCHOOLS.

See Chapters 44, 45, 46, 47.
Amended, see Statutes 1882, Chapter 219.

P. S. c. 50.

SEWERS.

Cities and towns may make drains and sewers; to be public property. 1869, 111, s. 1. 1871, 158. 1873, 51. 4 Allen, 41.

SECTION 1. The mayor and aldermen of a city, and the selectmen or road commissioners of a town, may lay, make, and maintain all such main drains or common sewers, as they adjudge to be necessary for the public convenience or the public health, through the lands of any persons or corporations, and may repair the same, whenever it is necessary;

main drains and common sewers so laid shall be the property of the city or town. [122 Mass. 344; 124 Mass. 564; 126 Mass. 431.

8 Allen, 127.
104 Mass. 13.

SECT. 2. When land is taken by virtue of the preceding section, the proceedings in a city shall be the same as in the laying out of highways or streets therein; and in towns, the same as in the laying out of town-ways. [1869, 111, s. 2.

Lands to be taken as in laying out streets, etc.

SECT. 3. Damages occasioned by the laying, making or maintaining of main drains or common sewers, shall be ascertained and recovered in a city, as in the laying out of highways or streets therein; and in towns, as in the laying out of town-ways. [110 Mass. 216; 113 Mass. 218; 117 Mass. 396.

Damages to be determined in same manner, etc.
1869, 111, s. 3.
108 Mass. 208.

SECT. 4. Every person who enters his particular drain into such main drain or common sewer, or who, by more remote means, receives benefit thereby for draining his cellar or land, shall pay to the city or town a proportional part of the charge of making and repairing the same, and of the charge, not already assessed, of making and repairing other main drains and common sewers through which the same discharges, to be ascertained, assessed, and certified by the mayor and aldermen or selectmen; and notice thereof shall be given to the party to be charged, or to his tenant or lessee.

Persons entering drains into main drain to be assessed, etc.
G. S. 48, s. 4.
1878, 232, s. 1.
9 Cush. 233.
99 Mass. 633.
111 Mass. 123.
112 Mass. 542.
117 Mass. 363.
118 Mass. 168.
120 Mass. 108, 297.

SECT. 5. Assessments so made shall for one year after they are laid constitute a lien on the real estates assessed, and may, together with incidental costs and expenses, be levied by sale of such real estate, if the assessment is not paid within three months after a written demand for payment, made

Such assessments to constitute a lien.
G. S. 48, s. 5.
9 Cush. 233.
114 Mass 544.
119 Mass. 294.
120 Mass. 297.

either upon the person assessed or upon any person occupying the estate; such sale to be conducted in like manner as sales for the payment of taxes.

Party aggrieved may have jury. Mode of proceeding. G. S. 48, s. 6. See s. 15, below. 6 Allen, 134. 9 Cush. 233. 117 Mass. 78. 122 Mass. 255.

SECT. 6. A person aggrieved by such assessment may, at any time within three months after receiving notice thereof, apply for a jury. Such application shall be made in like manner and the proceedings thereon shall be the same as in case of lands taken for laying out of highways; *provided*, that before making his application the party shall give one month's notice in writing to the selectmen or road commissioners or mayor and aldermen of his intention so to apply, and shall therein particularly specify his objections to the assessment; to which specification he shall be confined upon the hearing by the jury.

Cities and towns may adopt systems of sewerage. 1878, 232, s. 3. 1879, 55.

SECT. 7. The city council of a city or the legal voters of a town may adopt a system of sewerage for a part or the whole of its territory, and may provide that assessments under section four shall be made upon owners of estates within such territory by a fixed uniform rate, based upon the estimated average cost of all the sewers therein, according to the frontage of such estates on any street or way where a sewer is constructed, or according to the area of such estates within a fixed depth from such street or way, or according to both such frontage and area; but no assessment in respect to any such estate which by reason of its grade or level, or for any other cause, cannot be drained into such sewer, shall be made, certified, or notified until such incapacity is removed.

May determine that privilege of entering

SECT. 8. The mayor and aldermen of any city except Boston, or a town in which main drains or common sewers

are laid under the provisions of sections one, two and three, may by vote determine that, instead of paying an assessment under section four, every person who uses such main drains or common sewers in any manner shall pay for the permanent privilege to his estate such reasonable sum as the mayor and aldermen or the selectmen or road commissioners shall determine.

main drain be paid for, as mayor and aldermen or selectmen may order, instead of assessments
1878, 184, s. 1.

SECT. 9. A person aggrieved by such determination of a sum to be paid by him, under the preceding section, may, within six months after notice of such determination, apply to the county commissioners for a revision thereof. If they reduce the amount, the city or town shall pay the costs of the application and hearing; otherwise said costs shall be paid by the applicant.

Parties aggrieved may apply for jury.
1878, 184, s. 2.

SECT. 10. Sums due under section eight shall constitute a lien upon the real estate using such main drains or common sewers, to be collected in the same manner as taxes upon real estate, or in an action of contract in the name of the city or town.

Sums due to constitute a lien upon the estate.
1878, 184, s. 3.

SECT. 11. Nothing herein contained shall prevent a city or town from providing, by ordinance or otherwise, that a part of the expense of constructing, maintaining and repairing main drains or common sewers shall be paid by such city or town. And in the city of Boston, not less than one-quarter part of such expense shall be paid by the city, and shall not be charged upon those using the main drains or common sewers.

Part of expense may be paid by town, etc.
How, in Boston
G. S. 48, s. 7.

Highways, etc. when may be dug up to lay drains, etc. G. S. 48, s. 8.

SECT. 12. Whoever digs or breaks up the ground in a highway, street or lane in a town, for the laying, altering or repairing of a drain or common sewer, without the consent of the selectmen or road commissioners in writing, shall forfeit five dollars for each offence, to the use of the town.

Drains, etc., how to be constructed. G. S. 48, s. 9.

SECT. 13. All drains and common sewers in a street or highway shall be substantially made or repaired with brick or stone, or with such other materials and in such manner as the selectmen or road commissioners may direct.

Plans of drains and record of assessments to be kept in clerk's office. 1878, 232, s. 2.

SECT. 14. Plans and descriptions of all main drains and common sewers belonging to a city or town, with a true record of the charges of making and repairing the same, and of all assessments therefor shall be kept in the office of the city or town clerk.

Persons benefitted to share expense of making drains, repairing, etc. G. S. 48, s. 10. See s. 18, below

SECT. 15. When a person, by the consent and under the direction of the selectmen or road commissioners, makes and lays at his own charge a common sewer or main drain for the benefit of himself and of others, who think fit to join therein, every person who afterwards enters his particular drain into the same, or by any more remote means receives benefit thereby for the draining of his cellar or land, shall pay to the owners of such common sewer or main drain a proportional part of the charge of making and repairing the same, to be determined by the selectmen or road commissioners of the town, and certified under their hands; saving always to the party aggrieved by such determination the right to a trial by jury, as provided in section six.

To share expense of removing ob-

SECT. 16. When a common sewer or main drain is stopped or gone to decay, so that it is necessary to open the same in

order to repair it or to remove such stoppage, all persons benefited by such repair or removal of obstructions, as well those who do not as those who do cause such repairs to be made or obstruction to be removed, shall pay to the persons incurring the expense their proportional parts thereof, to be determined as provided in the preceding section.

structions, etc. G. S. 48, s. 11.

SECT. 17. Every person so required to pay his proportional part of the expense of making or repairing a drain or common sewer shall have notice of the sum and of the person to whom the same is to be paid; and if he does not, within seven days after such notice, pay the same to the person authorized by the selectmen or road commissioners to receive it, he shall be held to pay double the amount certified by them as aforesaid, with all expenses arising upon such neglect; and the person so authorized may recover the same in an action of contract in his own name.

Refusing to pay their proportions shall pay double the amount, etc. G. S. 48, s. 12.

SECT. 18. Whoever has occasion to open a common sewer or main drain in order to clear and repair the same, shall, seven days at least before he begins to open the same, give notice to all parties interested, by advertising in such manner as the selectmen or road commissioners may direct, that such parties may object thereto and state their objections in person or in writing to the selectmen or road commissioners; and if they judge the objections reasonable, the parties making the same shall not be held to pay any part of such expenses; but if they do not so make their objections within three days after such notice, or if the objections are not adjudged reasonable, the selectmen or road commissioners shall in writing permit the persons applying to open such common sewer or main

Notice to be given before opening any drain. G. S. 48, s. 13.

drain, and to clear and repair the same; and all persons interested therein shall pay their proportions, to be determined as provided in section fifteen.

Agreements of owners not affected. G. S. 48, s. 14.

SECT. 19. Nothing contained in this chapter shall affect any covenants or agreements among the proprietors of such drains or common sewers.

Sewer and sidewalk assessments may be apportioned into three annual instalments. Lien for, how long to continue. To draw interest when overdue. 1878, 249.

SECT. 25. In a city or town which has accepted the provisions of this section or of chapter two hundred and forty-nine of the statutes of the year eighteen hundred and seventy-eight, if the owner of real estate within sixty days after notice of a sewer or sidewalk assessment thereon notifies in writing the board making such assessment to apportion the same, said board shall apportion it into three equal parts, and certify such apportionment to the assessors; and the assessors shall add one of said parts, with interest from the date of apportionment, to the annual tax of said real estate for each of the three years next ensuing. All liens for the collection of such assessments shall continue until the expiration of two years from the time when the last instalment is committed to the collector; and all sewer and sidewalk assessments remaining unpaid after the time of payment stated in the order making the same shall draw interest from such time until paid.

P. S. ch. 50.

SIDEWALKS.

When selectmen, etc., may grade, etc.,

SECTION 20. In cities in which the city council, and in towns in which the inhabitants, have adopted the provisions

of this and the following section, or of the corresponding provisions of earlier statutes, the mayor and aldermen or selectmen or road commissioners may establish and grade sidewalks in such streets as in their judgment the public convenience may require, and may assess the abuttors on such sidewalks one-half the expense of the same, the residue being paid by such city or town. All assessments so made shall be a lien upon the abutting lands, and be collected in the same manner as taxes on real estate.

sidewalks. Expense, how paid. G. S. 45, s. 7. 114 Mass. 546.

SECT. 21. No sidewalk constructed or graded in a city or town shall be dug up or obstructed in any part thereof without the consent of the mayor and aldermen of the city, or of the selectmen or road commissioners of the town.

Sidewalks not to be obstructed unless, etc. G. S. 45, s. 8.

SECT. 22. In cities in which the city council, and in towns in which the inhabitants at an annual meeting, have adopted the provisions of chapter three hundred and three of the statutes of the year eighteen hundred and seventy-two, and of chapter one hundred and seven of the statutes of the year eighteen hundred and seventy-four, or of this and the following section, the mayor and aldermen, or the selectmen or road commissioners, may grade and construct sidewalks and complete partially constructed sidewalks in any street, as the public convenience may require, with or without edge-stones; and may cover the same with brick, flat stones, concrete, gravel, or other appropriate material; and may assess not exceeding one-half of the expense proportionally upon the abuttors on such sidewalks; but no abuttor shall be assessed a sum exceeding one per cent. of the valuation of his abutting estate as fixed by the last preceding annual assessment for taxes;

When selectmen, etc., may construct sidewalks covered with brick, etc. and with or without edge-stones. Expense, how paid. 1872, 303, s. 1, 4. 1874, 107, s. 1, 2.

and all assessments so made shall constitute a lien upon the abutting land, and be collected in the same manner as taxes on real estate. The mayor and aldermen, selectmen, or road commissioners, shall deduct from the assessment for sidewalks so constructed with edge-stones and covered any sum previously assessed upon the abutting premises, and paid for the expense of the construction of such sidewalk in any other manner; such deduction shall be made proportionally from the assessments upon abuttors who are owners of estates in respect of which such former assessments were paid. Such sidewalks, when so constructed and covered, shall be maintained at the expense of such city or town.

Damages. 1872, 303, s. 2.

SECT. 23. In estimating the damage sustained by the construction of sidewalks under the preceding section, there shall be allowed, by way of set-off, the benefit, if any, to the property of the party by reason thereof.

Limitation of assessments to one per cent. not to apply in certain cases. 1874, 107, s. 3.

SECT. 24. The provision of section twenty-two, limiting assessments to one per cent., shall not apply to any sidewalk constructed before the twenty-seventh day of April in the year eighteen hundred and seventy-four, nor to any city unless the city council thereof has accepted the provisions of the two preceding sections or of chapter one hundred and seven of the statutes of the year eighteen hundred and seventy-four.

Sewer and sidewalk assessments may be apportioned into three annual instalments. Lien for, how long

SECT. 25. In a city or town which has accepted the provisions of this section or of chapter two hundred and forty-nine of the statutes of the year eighteen hundred and seventy-eight, if the owner of real estate within sixty days after notice of a sewer or sidewalk assessment thereon notifies in writing

the board making such assessment to apportion the same, said board shall apportion it into three equal parts, and certify such apportionment to the assessors; and the assessors shall add one of said parts, with interest from the date of apportionment, to the annual tax of said real estate for each of the three years next ensuing. All liens for the collection of such assessments shall continue until the expiration of two years from the time when the last instalment is committed to the collector; and all sewer and sidewalk assessments remaining unpaid after the time of payment stated in the order making the same, shall draw interest from such time until paid.

to continue. To draw interest when overdue. 1878, 249.

SOLDIERS' AID.

See P. S. Chap. 30.

STREETS.

P. S. ch. 49.

SECTION 65. The selectmen or road commissioners of the several towns may lay out or alter town-ways for the use of their respective towns, and private ways for the use of one or more of the inhabitants thereof; or may order specific repairs to be made upon such ways. [16 Gray, 175; 4 Allen, 529; 11 Allen, 530; 108 Mass. 202, 68.

Town-ways, etc., how laid out. G. S. 43, s. 59. 9 Pick. 146. 7 Cush. 394.

SECT. 66. A town, at a meeting regularly called for the purpose, may discontinue any town-way or private way. [13 Gray, 260.

Town-ways, etc., how discontinued. G. S. 43, s. 60. 1 Cush. 496.

Notice to be given by selectmen before laying out, etc.
G. S. 43, s. 61.
1871, 158.
1873, 51.
98 Mass. 491.
121 Mass. 132.

SECT. 67. No town-way or private way shall be laid out or altered unless, seven days at least previously thereto, a written notice of the intention of the selectmen or road commissioners of the town to lay out or alter the same is left by them, or by their order, at the usual place of abode of the owners of the land over which such way is proposed to be laid out or altered, or unless such notice is delivered to such owner in person or to his tenant or authorized agent. If the owner has no such place of abode in the town, and no tenant or authorized agent therein known to the selectmen, or if, being a resident in the town, he is not known as such to the selectmen or road commissioners, such notice shall be posted up in some public place in the town seven days at least before the laying out of such way.

Damages from laying out, etc. how determined and paid.
G. S. 43, s. 62.
1871, 158.
1873, 51.
10 Met. 465.
5 Gray, 31.
11 Allen, 533.

SECT. 68. If damage is sustained by a person in his property by the laying out, alteration or discontinuance of a town-way or private way, or by specific repairs ordered thereon, he shall receive such compensation as the selectmen or road commissioners shall determine, to be assessed and awarded in the manner provided for the assessment and award of damages by county commissioners in laying out highways; which damages shall be paid by the town if it is a town-way, but if a private way, then by the person for whose use it is laid out or altered, or for whose benefit specific repairs are ordered, or on whose application it is discontinued, unless the selectmen or road commissioners deem it reasonable that part of the damage shall be paid by the town and the residue by said persons, in which case they shall make an order specifying the sums to be paid by each.

When paid. Indemnity. G. S. 43, s. 63. 12 Met. 123. 9 Gray, 346. 3 Allen, 538. 98 Mass. 491.

SECT. 69. The damages so awarded shall not be paid until the land is entered upon and possession taken for the purpose of constructing such way or alteration, or until such specific repairs are commenced. And if possession is not taken, or if the specific repairs are not made, the party instead of the damages awarded to him, shall be entitled to indemnity, to be assessed by the selectmen or road commissioners in the same manner that indemnity is awarded by county commissioners in like cases.

Location, etc., to be filed, etc. before laying out. G. S. 43, s. 65. 2 Greenl. 60. 3 Greenl. 438. 2 Mass. 529. 5 Pick. 492. 9 Pick. 146. 9 Met. 423. 105 Mass. 535. 118 Mass. 138. 120 Mass. 130.

SECT. 71. Except as is hereinafter provided, no town-way or private way laid out or altered by the selectmen or road commissioners shall be established until such laying out or alteration, with the boundaries and measurements of the way is reported to the town, and accepted and allowed at some public meeting of the inhabitants regularly warned and notified therefor; nor unless such laying out or alteration, with the boundaries and measurements, is filed in the office of the town clerk seven days at least before such meeting. [123 Mass. 543.

If selectmen unreasonably refuse, etc., party may appeal to commissioners. G. S. 43, s. 67. 6 Mass. 8. 3 Met. 312. 9 Met. 423. 12 Met. 208. 7 Cush. 395. 11 Cush. 189. 4 Gray, 414. 9 Gray, 57.

SECT. 73. If the selectmen or road commissioners unreasonably refuse or neglect to lay out or alter a town-way or private way, when requested in writing by one or more of the inhabitants of a town, the county commissioners, on the petition in writing of a person aggrieved presented at a regular meeting within one year, may cause such way to be laid out or altered, and may ascertain the place and course of the way, and estimate the damages sustained by any person by reason therefor. Such damages, with all costs of the proceedings shall be paid by the town, if it is a town-way. If it is a

private way, the damages and costs, or such part thereof as the county commissioners judge reasonable, shall be paid by the persons for whose use it is laid out or altered, and the residue, if any, by the town.

When towns cannot lay out, etc.
G. S. 43, s. 71.
2 Pick. 44.

SECT. 77. When a town-way has been laid out or altered by the county commissioners, it shall not within two years thereafter be discontinued or altered by the town; and when such way has been discontinued by the county commissioners, the town shall not within two years thereafter lay out the same again.

Owner may remove trees, etc.; not removing, relinquishes right.
G. S. 43, s. 74.
See s. 17, above
See s. 97, below

SECT. 80. When a town-way or private way is laid out or altered by the selectmen or road commissioners, or by the county commissioners, they shall in their report or return thereof specify the manner in which such way, location, or alteration shall be completed, and shall transmit to the clerk a description of the location and bounds thereof, which shall, within ten days be recorded by him in a book of records kept for that purpose; and they shall allow the owner of the land through which the way passes a reasonable time to take off his trees, fences, and other property which may obstruct the building of such way. If he neglects to remove the same within the time allowed, he shall be deemed to have relinquished his right thereto for the benefit of the town, if the way be a town-way; and if it be a private way, for the benefit of such person as the selectmen, road commissioners, or county commissioners may determine: *provided*, that any buildings or materials upon the land shall be disposed of in the manner required by section seventeen.

SECT. 82. No town shall contest the legality of a way laid out by it and accepted and recorded as provided in this chapter. [9 Gray, 341.

Towns not to contest legality of ways. G. S. 43, s. 76. 5 Gray, 65.

SECT. 83. Cities and towns may lay out foot-ways for the use of the public in the manner provided for the laying out of town-ways.

Cities and towns may lay out foot-ways. 1874, 299.

SECT. 88. The laying out or alteration of any way under the provisions of this chapter shall be void as against the owner of any land over which the same is located, unless possession is taken of such land, for the purpose of constructing such way, within two years from the time when the right to take such possession first accrues; but an entry for the purpose of constructing any part of the laying out or alterations shall be deemed a taking of possession of all the lands included in the laying out or alterations made upon the same petition.

Lay-out void as against land owner, if possession is not taken within two years. 1869, 303, s. 1.

SECT. 89. A person aggrieved by the indemnity awarded to him, or by the assessment of his damages under this chapter, who omits to file his petition for a jury within one year, and who has not received at least sixty days before the expiration of such year, actual notice of the proceedings whereby he is entitled to such damage or indemnity, may within six months after his land is actually entered upon for the construction or alteration of a way, or after the actual closing of a way upon discontinuance, file his petition for the assessment of his damages by a jury in the superior court; and the court shall allow such petition to be prosecuted in the same manner and with the same effect as if the same had been filed within said year.

Party aggrieved in estimate of damages, etc., by laying out or altering highways, etc., who omits to file petition for jury within one year, may in certain cases have six months' further time therefor. 1874, 341, s. 1.

Petition may be filed in term time or vacation.
1874, 341, s. 2.

SECT. 90. Such petition may be filed in term time or vacation; and if filed in vacation, the clerk may issue an order of notice thereon returnable to the term of the court next to be held after thirty days therefrom.

Provisions of chapter extend to cities.
G. S. 43, s. 81.
3 Allen, 538.
98 Mass. 498.

SECT. 91. The provisions of the preceding sections, so far as applicable, shall apply to the several cities and towns, except as may be otherwise provided by city charters and acts in amendment thereof. [123 Mass. 543.

Ways may be laid out under this chapter, notwithstanding acceptance of betterment laws.
1874, 275, s. 1.

SECT. 92. Ways may be laid out, constructed, altered, widened, graded or discontinued, under the provisions of this chapter, notwithstanding the acceptance by any city or town of any statute authorizing the assessment upon estates benefited of a portion of the cost of such ways. [111 Mass. 294.

Deemed to be so laid out, unless otherwise expressly declared in the order.
1874, 275, s. 2.
123 Mass. 289.

SECT. 93. Every highway or town-way shall be deemed to be laid out under the provisions of this chapter, unless the order laying out the same expressly declares the same to be laid out under the provisions of law authorizing the assessment of betterments.

Not chargeable unless, etc.
G. S. 43, s. 82.
19 Pick. 405.
4 Cush. 332.
8 Cush. 195.
5 Gray, 73.

SECT. 94. No way opened and dedicated to the public use, which has not become a public way, shall be chargeable upon a city or town as a highway or town-way, unless the same is laid out and established by such city or town in the manner prescribed by the statutes of the commonwealth. [7 Gray, 343; 16 Gray, 228; 3 Allen, 398; 110 Mass. 62; 120 Mass. 300, 401; 12 Gray, 419; 1 Allen, 153; 108 Mass. 196; 112 Mass. 346; 126 Mass. 540.

Selectmen, etc. to close such ways, or caution the public etc.
G. S. 43, s. 83.
3 Allen, 398.
102 Mass. 489.
108 Mass. 196, 205.
112 Mass. 362.
126 Mass. 540.

SECT. 95. The mayor and aldermen and selectmen or road commissioners shall, when the public safety demands it, direct and cause the entrances of such ways entering on and uniting with an existing public highway to be closed up, or may by other sufficient means caution the public against entering upon such ways; and if any such way is not closed, or if sufficient notice is not given that the same is dangerous, the city or town shall be liable for damages arising from defects therein in the same manner as if it had been duly laid out and established.

Owners of land abutting on streets, and dedicated to, or permitted to be used by, the public, to keep same in condition safe for the public.
1867, 241.
1 Allen, 150.

SECT. 96. When the owner of a lot abutting upon a street or way in a city dedicates to, or permits to be used by, the public, a portion of his land lying between said street or way and the range of the building fronting on the same, such abuttor shall keep such portion in such condition as, in the opinion of the board of aldermen, the safety and convenience of the public requires; and if such owner after reasonable notice given by the board of aldermen or mayor, neglects or refuses to put such portion of his land into the condition aforesaid by executing the specific repairs or improvements so required, or to close the same from public use by a substantial railing or guard, said board of aldermen may put said land into such condition, and may assess the expense thereof upon the owner; and all assessments so made shall be a lien upon such abutting lots, in the same manner as taxes are a lien upon real estate.

If location of way is uncertain, selectmen etc., to ascertain, etc.

SECT. 97. When ten or more freeholders represent to the mayor and aldermen of a city or selectmen or road commissioners of a town that the exact location of a street, road or

G. S. 43, s. 87. 4 Allen, 488.

way, over which they have jurisdiction, cannot be readily ascertained, they shall make investigation thereof; and, if it appears that the representation is correct, shall, after giving the notice required in laying out a similar road or way, proceed to ascertain the correct location, erect the necessary bounds, and file a certificate thereof, for record, as provided in sections eighty and ninety-eight.

Commissioners etc., to make termini and angles of ways. Penalty for neglect. G. S. 43, s. 88. 7 Cush. 394. 7 Gray, 465.

SECT. 98. The county commissioners, mayor and aldermen, selectmen and road commissioners, shall cause permanent stone bounds not less than three feet long, two feet of which at least shall be set in the ground, to be erected at the termini and angles of all roads laid out by them, when practicable; and when not so, a heap of stones, a living tree, a permanent rock, or the corner of an edifice may be a substitute for such stones; or said bounds may be permanent stone bounds not less than three feet long, with holes drilled therein, and filled with lead placed a few inches below the travelled part of the street or way, as the officer whose duty it is to cause the same to be erected may determine. And if they neglect to establish such monuments after being notified so to do by an owner of land through which there is any such way laid out, since the twenty-fifth day of April, in the year eighteen hundred and forty-eight, the county if it is a county road, and the city or town if it is a city or town road, shall pay to the owner of the land fifty dollars for each month that such neglect continues, to be recovered in an action of tort.

TRUANCY. P. S. ch. 48.

SECTION 1. No child under ten years of age shall be employed in any manufacturing, mechanical or mercantile establishment in this commonwealth; and any parent or guardian who permits such employment shall for such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of the city or town.

Child under ten years not to be employed in manufacturing, etc., establishments. Penalty. 1876, 52, s. 1.

SECT. 2. No child under fourteen years of age shall be so employed except during the vacations of the public schools, unless during the year next preceding such employment he has for at least twenty weeks attended some public or private day school under teachers approved under section two of chapter forty-seven by the school committee of the place where such school is kept, which time may be divided, so far as the arrangements of school terms will allow, into two terms, each of ten consecutive weeks; nor shall such employment continue, unless such child in each and every year attends school as herein provided; and no child shall be so employed who does not present a certificate, made by or under the direction of said school committee of his compliance with the requirements of this section: *provided*, that a regular attendance during the continuance of such employment in any school known as a half-time day school may be accepted by said school committee as a substitute for the attendance herein required.

Child under fourteen years not to be so employed, unless attending school twenty weeks during the previous year.

Employment not to continue unless, etc.

Proviso. 1876, 52, s. 2. 1878, 171. 1878, 257, s. 5.

SECT. 3. Every owner, superintendent, or overseer of any such establishment shall require and keep on file a certificate of the age and place of birth of every child under sixteen

Owners of such establishments to keep on file certificate of age, etc., of

children under sixteen years in their employ, and of amount of school attendance.
1878, 257, s. 1.
1880. 137.

years of age employed therein, so long as such child is so employed, which certificate shall also state, in the case of a child under the age of fourteen years, the amount of his school attendance during the year next preceding such employment. Said certificate shall be signed by a member of the school committee of the place where such attendance has been had, or by some one authorized by said committee; and the form of said certificate shall be furnished by the secretary of the board of education, and shall be approved by the attorney-general.

Penalty on superintendents, overseers, parents and guardians.
1876, 52, s. 3.
9 Met. 562.

SECT. 4. Every owner, superintendent, or overseer of any such establishment, who employs or permits to be employed any child in violation of either of the two preceding sections, and every parent or guardian who permits such employment, shall forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

Truant officers to visit establishments, and report violations of this act.
1876, 52, s. 4.

SECT. 5. The truant officers shall, at least once in every school term, and as often as the school committee require, visit the establishments described in section one in their several cities and towns, and inquire into the situation of the children employed therein, and ascertain whether the provisions of the four preceding sections are duly observed, and report all violations thereof to the school committee.

May require production of certificates for inspection.
1878, 257, s. 3.

SECT. 6. The truant officers may demand the names of the children under sixteen years of age employed in such establishments in their several cities and towns, and may require that the certificates of age and school attendance prescribed in section three shall be produced for their inspection;

and a failure to produce the same shall be *prima facie* evidence that the employment of such child is illegal.

Children under fourteen years not to be employed while public schools are in session, unless they can read and write. Penalty. 1878, 257, s. 4.

SECT. 7. Every owner, superintendent, or overseer in any such establishment, who employs, or permits to be employed therein, a child under fourteen years of age who cannot read and write, while the public schools in the city or town where such child lives are in session, and every parent or guardian who permits such employment, shall for every such offence forfeit not less than twenty nor more than fifty dollars, for the use of the public schools of such city or town.

Under fifteen years not to be employed in circus, etc. Penalties. Proviso as to education of children in music, etc. 1877, 172.

SECT. 8. Any person who employs or exhibits, or who sells, apprentices, or gives away for the purpose of employing or exhibiting, a child under fifteen years of age, in dancing, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist, or acrobat, in any circus or theatrical exhibiton, or in any public place whatsoever, or who causes, procures or encourages any such child to engage therein, shall be punished by fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months: *provided*, that nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition on the special written permission of the mayor and aldermen of a city or of the selectmen of a town.

License not to be granted for public show in

SECT. 9. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of

which children under fifteen years are employed. 1874, 279. 1880, 88.

age are employed as acrobats, contortionists, or in any feats of gymnastics or equestrianism, or in which such children belonging to the public schools are employed, or allowed to take part as performers on the stage in any capacity, or where, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their physical health; but nothing herein contained shall prevent the giving of special permission as provided by the preceding section.

Towns may make provisions concerning habitual truants, etc. 1873, 262, s. 1.

SECT. 10. Each town shall make all needful provisions and arrangements concerning habitual truants and children between seven and fifteen years of age who may be found wandering about in the streets or public places therein, having no lawful occupation or business, not attending school, and growing up in ignorance; and shall make such by-laws as shall be most conducive to the welfare of such children, and to the good order of such town; and shall provide suitable places for the confinement, discipline and instruction of such children; such by-laws may be approved by the judge of the probate court of the county, as well as in the manner provided for the approval of other by-laws by section twenty-one of chapter twenty-seven.

Truant officers to be appointed by school committees. 1873, 262, s. 2. 1874, 233, s. 2.

SECT. 11. The school committee of each town shall appoint and fix the compensation of two or more suitable persons to be designated truant officers, who shall, under the direction of said committee, inquire into all cases arising under such by-laws, and shall alone be authorized, in case of violation thereof, to make complaint and carry into execution the judgment thereon; and who may serve all legal processes issued

by the courts in pursuance of such by-laws or of sections ten to sixteen inclusive, but who shall not be entitled to receive any fees for such service.

Minors convicted of being truants, etc., may be committed for two years to institution provided therefor. 1873, 262, s. 3.

SECT. 12. Any minor convicted under a by-law made under section ten of being an habitual truant, or of wandering about in the streets and public places of a city or town, having no lawful employment or business, not attending school, and growing up in ignorance, shall be committed to any institution of instruction or suitable situation provided for the purpose, under the authority of said section or by-law, for a term not exceeding two years.

Jurisdiction. 1873, 262, s. 4.

SECT. 13. Police, district or municipal courts, trial justices and judges of probate courts, shall have jurisdiction, within their respective counties, of the offences described in sections ten and twelve.

County truant schools and union county truant schools how established, etc. 1873, 262, s. 5. 1881, 144.

SECT. 14. If three or more towns in any county so require, the county commissioners shall establish at the expense of the county, at convenient places therein, other than the jail or house of correction, truant schools for the confinement, discipline and instruction of minor children convicted under the provisions of sections ten and twelve; and shall make suitable provisions for the government and control, and for the appointment of proper teachers and officers thereof; but if three or more cities or towns in each of two or three contiguous counties, or in case of Norfolk, Bristol, Barnstable, and Plymouth counties of four contiguous counties, so require, the county commissioners of such counties shall, at the expense of the same, establish at a convenient place therein a union

truant school to be organized and controlled by the chairman of the county commissioners of such counties, in the manner provided for the government and control of county truant schools by county commissioners; and any county so uniting with another county or counties in the support of a union truant school shall not be required to support a truant school of its own.

Towns may assign truant schools or state primary school as places of confinement of truants, etc. 1873, 262, s. 6. 1879, 291, s. 11.

SECT. 15. A town may assign any such truant school, or, with the assent of the state board of health, lunacy and charity, the state primary school, as the place of confinement, discipline, and instruction of children so convicted; and shall pay for their support therein such sum, not exceeding two dollars a week for each child, as the county commissioners or the trustees of the state primary and reform schools respectively shall determine.

Children committed may be discharged. 1873, 262, s. 3, 7.

SECT. 16. Children so committed may, upon satisfactory proof of amendment, or for other sufficient cause, be discharged from the state primary school by said state board, and from other places of confinement by the judge or justice who committed them.

School committees to report whether provisions have been made for truants, etc.

SECT. 17. The school committees of the several towns shall annually report to the secretary of the board of education whether their towns have made the provisions required by law relating to truants and absentees from school. [1878, 234, s. 2.

See Statutes 1882, Chaps. 181 and 270.

TAXES, ASSESSMENT OF.

P. S. Chapter 11.

SECT. 4. "Or indebtedness" substituted for due in sixth line. Stat. 1882, ch. 76.

SECT. 5, cl. 3. Affected by Stat. 1882, ch. 217, s. 1, 4.

SECT. 14. Amended by Stat. 1882, ch. 175.

SECT. 20. Amended by Stat. 1882, ch. 165.

SECT. 38. Affected by Stat. 1882, ch. 175, and ch. 217, s. 1, 4.

SECT. 71. Amended by Stat. 1882, ch. 218.

SECT. 90. See Stat. 1882, ch. 217, s. 3.

SECT. 91. Affected by Stat. 1882, ch. 133, s. 2.

SECT. 92. Affected by Stat. 1882, ch. 252, s. 5.

P. S. Chap. 13. See TAXATION OF CORPORATIONS.

TAXES, COLLECTION OF.

P. S. Chapter 12.

SECT. 39. Affected by Stat. 1882, ch. 243, s. 3.

SECT. 50. Affected by Stat. 1882, ch. 243, s. 1, 2.

WEIGHTS AND MEASURES.

P. S. Chap. 65.

Stat. of 1882, Chap. 42.

P. S. ch. 28, s. 6.

VETO OF THE MAYOR.

Certain ordinances, orders, etc , to be presented to mayor. 1876, 193, s. 1.

SECT. 6. Every ordinance, order, resolution, or vote to which the concurrence of the board of aldermen and of the common council of a city may be necessary, except on a question of a convention of the two branches or of the election of an officer, and every order of either branch of a city council involving the expenditure of money, shall be presented to the mayor. If he approves thereof, he shall signify his approval by signing the same; if he does not approve thereof, he shall return it, with his objections in writing, to the branch in which it originated. Such branch shall enter the objections of the mayor at large on its records, and shall reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of the members of that branch present and voting agree, notwithstanding such objections, to pass such ordinance, order, resolution, or vote, it shall, if it originally required concurrent action, be sent, together with the objections of the mayor, to the other branch, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force, but in all cases the vote shall be determined by yeas and nays.

To be approved by him or returned with objections.

May be passed over veto by two-thirds vote of both branches.

Vote, how taken.

If such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, it shall be in force.

Stat. 1882, ch. 180. Mayor not to vote where he is presiding

SECT. 7. In a city where the mayor acts as presiding officer of the board of aldermen, he shall have no right to vote in meetings of the board of aldermen or in conventions of the

two branches of the city council, and the board of aldermen may elect one of its number as president, who shall preside at all meetings of the board in the absence of the mayor, anything in the charter of such city or in any act in amendment thereof to the contrary notwithstanding.

officer of board of aldermen. Board may elect a president. 1876, 193, s. 2.

HISTORICAL

LIST OF

SELECTMEN, TOWN CLERKS AND TREASURERS,

AND OF MEMBERS OF THE

CITY COUNCIL OF TAUNTON

SINCE THE ADOPTION OF THE CITY CHARTER

JUNE 6, 1864.

TOWN CLERKS

FROM THE YEAR 1665 TO 1865.

Anthony, Edmund	1835 to 1845
Brewster, William	1855 to 1858
Cushman, James M.	1862 to 1865
Ellis, James P.	1846 to 1855
Monroe, Francis S.	1845
Porter, Henry C.	1858 to Sept. 1862
Wilbore, Shadrach	1665 to 1697
Wilbore, John	about 1700 to 1709
Williams, James	about 1740 to 1775
Williams, James, Jr.	1775 to 1821
Williams, Alfred	1821 to 1835

TOWN TREASURERS OF TAUNTON

FROM THE YEAR 1757 TO 1864.

Anthony, Edmund	1838 to 1844
Atwood, George B.	1855 or 1856
Baylies, John	1827 to 1834
Brewster, Philip T.	1859 to 1863
Crocker, Samuel	1805 to 1822
Ellis, James P.	1853 and 1854
Godfrey, George	1775
Hodges, James L.	1826
Porter, Charles	1847 to 1853
Reed, William	1825
Seaver, John	1822 to 1825
Tinkham, Samuel M.	1858
White, Samuel	1757
Williams, Benjamin	1764 to 1772, 1774
Woodward, Calvin	1834 to 1838
White, Lemuel L.	1844 to 1847
Wilbar, Joseph E.	1857
Washburn, George A.	1863 and 1864

SELECTMEN OF TAUNTON

FROM 1657 TO 1864.

Andrews, John 1726, '28 to '31, '34, '35
Anthony, Edmund . 1803 to '09

Barney, Elisha . . 1773 to '76
Briggs, Nathaniel . 1779, '80
Barney, Jacob . . 1801 to '04
Brewer, Daniel, Jr. . 1811, '12
Bassett, David . . . 1845
Briggs, Abram . . . 1864
Babbitt, Ziba . . . 1855
Blake, Samuel . . . 1755

Crossman, Robert 1710, '13, '14
Cobb, Morgin, Jr. 1721, '22, '24
Cobb, Morgan, 2d . 1736, '40
Cobb, Richard . . 1768, '70
Cobb, Ebenezer . . 1773 to '75
Canady, Noble . . . 1845
Crocker, Samuel L. . 1846 to '49
Carrier, Isaac G. . 1856 to '63

Dean, John . . . 1657
Dean, Walter 1666 to '69, '71 to '86
Dean, Thomas . 1693, '94, '97
Dean, Ezra . . . 1702
Dean, John . 1719, '20, '23
Dean, Israel 1726, '31, '33, '38, '39
Dean, Ebenezer 1760, '61, '80, '88 to '96
Dean, Benjamin, Jr. 1772 to '75
Dean, Solomon . . . 1779
Dean, Noah . . . 1780

Dean, Joseph . . 1797 to 1804
Dean, Philip . . 1811 to '23
Dean, Robert . . . 1813
Dean, Joseph, Jr. . 1824 to '28
Dennis, John P. . 1829 to '31

Gilbert, Thomas 1696, '99, 1702, '03, '07 to '13, '15, '18
Godfrey, Richard . 1728, '40
Godfrey, Richard, Jr. 1755, '60 to '66, '68, '70, '73 to '77
Godfrey, George . 1788 to '91
Godfrey, John . . 1805 to '12

Hall, George . 1657, '66 to '69
Harvey, William 1666 to '70, '72 to '83, '85 to '91
Hathaway, John . 1681 to '84
Hall, Lieut. John 1684 to '86, '91, '92
Hodges, Henry 1687 to 1701, '03 to [*Three persons of this name.*] '05, '07 to '09, '11 to '16, '31 to '35, '37 to '39, '55, '62, '63, '68, '70
Harvey, Thomas 1696, '98 to 1720
Hart, James . . 1792 to '96
Hix, Gideon . . 1798, '99
Haskins, William . . 1844
Hall, Andrew H. . 1846 to '51

Ingalls, Jonathan, Jr. 1797 to 1800

Jones, Abraham 1710, '20 to '23

King, Philip . 1695, '96, '98

King, John . 1721, '22, '24, '27
Keith, Edwin . . 1851 to '54

Leonard, Thomas 1680 to '86, '89 to '92
Leonard, Thomas, Jr. 1707 to '09, '43
Leonard, James 1689 to '95, '97, '98, [*Three persons of this name.*] 1703, '05, '06, '08 to '10, '17, '20 to '23, '36, '43, '65, '66, '88 to '91
Leonard, Samuel . 1721 to '24
Leonard, Ichabod 1773 to '76, '93 to '95
Leonard, Ichabod, Jr. 1814 to '25
Lincoln, Elijah . . 1777, '79
Leonard, Apollos .1777, '79, '80
Lincoln, Rufus . . 1792 to '96
Leonard, Nathaniel 1796 to 1800, '05 to '11
Lincoln, Gen. Thomas 1812 to '21
Lincoln, Ichabod . 1826 to '31

Macey, Left. George 1670, '72 to '86
Mason, John 1718, '19, '23, '26, '27, '29 to '31, '33, '34
Merick, Isaac . . . 1728
Macomber, Josiah .1762, '63, '65
Macomber, Abiel . 1801, '02
Morse, Elias A. 1850, '52 to '57
Macomber, Wm. F. . 1852 to '54

Pole, Capt. William . . 1657
Parker, William . . 1657
Pratt, Samuel . . . 1724
Pitts, Samuel 1726, '29 to '31, '33, '38, '39
Padelford, Seth . . . 1792
Paull, Jeremiah . . . 1810
Presbrey, Allen 1841 to '43, '55 to '64
Presbrey, Charles . . 1844

Richmond, John . . 1670
Reed, John . 1772, 1804 to '09

Smith, Samuel . . 1676 to '79
Smith, John 1694, '96, '99, 1702, '12, '14, '15, '17, '18
Smith, Job . . . 1789 to '92
Staples, Samuel, Jr. . 1813 to '21
Sumner, Seth . . . 1814
Seaver, William 1825 to '34, '45 to '49
Short, Luther L. . 1838 to '40

Tisdall, John, Sen'r . 1672 to '75
Thrasher, Israel . 1695, 1706
Talbut, Jared . . . 1706
Tisdale, Israel 1755, '60, '62 to '65
Thayer, William . . 1772
Tisdale, James . . 1793 to '97
Tisdale, Joseph . .1797 to 1800
Tubbs, Isaac . . 1800 to '02
Tillinghast, Nicholas 1801, '02, '04

Williams, Richard 1666 to '69, '71 to '77
Wyatt, Left. James . . 1657
Williams, Abiathar . 1815 to '24
Wilbur, Joseph . . 1832 to '44
Walker, George, Jr. . 1832 to '37
White, Stephen L. 1835 to '43, '58, '59
White, Cornelius . 1860 to '63
Williams, James M. . . 1851
Williams, Nathan S. . . 1864
Williams, Thomas 1695 to '97, '99 to 1705
Willis, Joseph . . . 1702
Wetherell, John . . 1704
White, Nicholas 1704, '13 to '15, '17
Williams, John . . . 1718
Williams, Seth . .1720, '27, '40
Wilbore, Benjamin .1727, '29, '30

Wetherell, Jeremiah	1728	Williams, Simeon	1760 to '66, '70, '77
Willis, John	1732 to '35, '37 to '39	Williams, Benjamin	1777
Walker, Nehemiah	1736, '40	White, Cornelius	1779, '80
Walker, James	1755 to '60	Walker, Eleakim	1789, '90
Williams, Jonathan	1736, '40	Williams, Nathaniel, 2d	1805 to '10

MAYORS OF TAUNTON.

	For the Years
Bennett, Edmund H.	1865, 1866, 1867
Babbitt, George H.	1874, 1875, 1876
Cushman, Horatio L.	1883
Fox, William H.	1873
Johnson, Charles F.	1880, 1881, 1882
Mitchell, Daniel L.	1870, 1871, 1872
Paige, Onias S.	1877, 1878, 1879
Rhodes, Stephen H.	1868, 1869

ALDERMEN.

	For the Years
Atwood, Charles H.	1873, 1874
Allen, Wilbur F.	1876
Anthony, James Y.	1881
Atwood, H. D.	1882
Barker, Anson J.	1865, 1866
Burt, Jacob	1869
Bosworth, Frederick L.	1873, 1874
Bliss, Asaph L.	1876
Bent, William H.	1877, 1878
Bosworth, Benjamin S.	1880, 1881, 1882, 1883
Baker, William S.	1880, 1881
Barrows, George W.	1883
Church, LeBaron B.	1865, 1866, 1867, 1868, 1873, 1874
Chace, John B.	1866, 1867
Champlin, Alexander H.	1869

	For the Years
Church, John H.	1870
Codding, James H.	1873
Cushman, Horatio L.	1877, 1878
Culver, Henry S.	1879, 1882
Davol, Albert D.	1872, 1883
Dean, N. Bradford	1876
Dean, Charles E.	1877
Evans, James M.	1871
Eddy, John H.	1874
Fuller, Henry J.	1872
Falvey, Thomas O.	1877, 1878, 1880
Fish, Frank L.	1883
Holland, John	1873
Husband, Charles	1874
Harris, Henry S.	1875
Hart, John W.	1875, 1876
Harvey, Ruel	1875
Hathaway, Joseph W.	1880, 1881
Hoye, Michael J.	1881, 1882, 1883
Johnson, Charles F.	1878, 1879
King, Silas S.	1866, 1867, 1868, 1869, 1870
King, Jahaziah S., Jr.	1871, 1872
Lovering, Charles L.	1865, 1866, 1869, 1870, 1871
Leonard, Nathaniel B.	1867
Lovering, Henry M.	1872
Lincoln, Martin J.	1880, 1881, 1882
Lane, Samuel	1882
Mitchell, Daniel L.	1868, 1869
Murphy, Joseph	1870, 1871, 1873, 1874, 1879
Murphy, William B.	1876
Macdonald, John C.	1880
Newbury, Thompson	1865, 1866, 1867, 1868, 1869
Nelson, Moses	1879
Perrin, Perley I.	1867, 1868, 1869, 1870, 1871, 1872
Pierce, Stephen	1871
Paull, Alfred	1873, 1875, 1876
Parker, Abel W.	1875, 1876
Paige, Onias S.	1875
Pratt, Franklin	1877, 1878
Reed, Edgar H.	1865, 1866
Rand, Nathan	1865
Rhodes, Stephen H.	1867

	For the Years
Richmond, Charles R.	1877
Richmond, Charles E.	1879
Soule, Leander	1868
Smith, Paran F.	1868
Short, Leonard L.	1870
Seaver, George F.	1871, 1872
Swan, William W.	1872
Sprague, Walter S.	1879, 1880, 1881, 1882, 1883
Tinkham, William	1869, 1870, 1871
Tolman, Elijah	1878, 1881
Tidd, Joseph S.	1883
Williams, Nathan S.	1865, 1875, 1880
White, Cornelius	1865
Walker, George G.	1866, 1867, 1868
Woodward, George M.	1870
Woodward, Ezra P.	1872
Walker, James G.	1873, 1874
Woodward, James A. B.	1874
Walker, William L.	1875, 1876
Willard, A. Lyman	1877, 1878, 1879, 1882
Wood, Cornelius	1877, 1878, 1883
Washburn, Otis	1879

COMMON COUNCILMEN

FROM 1865 TO 1883.

Albro, James D.	1865, '66	Baker, William H.	1870, '71
Atwood, Charles H.	1872	Bassett, James T.	1872, '73, '74
Allen, Wilbur F.	1875	Brown, John E.	1873, '74, '75, '76
Anthony, James Y.	1879, '80	Burbank, Henry J.	1873, '74
		Baker, Timothy C.	1874, '75, '76, '81
Briggs, Artemas	1865	Bosworth Benjamin S.	1874
Bliss, Zenas F.	1866	Bliss, Shubael P.	1875
Brown, William H.	1867	Bliss, Asaph L.	1875
Baker, Benjamin H.	1867	Baker, William S.	1876, '77, '78, '79
Brady, Connor	1868	Barker, John J.	1877, '78, '79
Bearse, Thomas R.	1868, '69, '78, '79	Bassett, Eustus C.	1880

Barrows, George W. . 1881, '82
Baker, Charles F. . . 1881, '82
Bosworth, James H. . 1882, '83
Barker, Owen . . . 1883
Bowen, William C. . . 1883

Carter, John T. . . . 1865
Clark, Nathan, . . 1865, '66
Church, John H. . . . 1867
Champlin, Alexander H. . 1867
Cowing, William M. . . 1869
Crane, George A. . . 1870, '71
Crossman, Job B. . . 1871, '72
Crapo, Nicholas N. . . 1871
Cushman, David B. . . 1872
Culver, Henry S. . 1875, '77, '78
Cushman, Horatio L. . . 1876
Conaty, Patrick . . 1876, '77
Cobb, Ebenezer . . . 1876
Cushman, William H. . . 1877
Conaty, Francis P. . . 1878
Church, William B. . . 1878
Carey, Daniel 1880, '81, '82, '83
Chace, John C. . . . 1880
Congdon, George A. . . 1881
Conefy, James F. . . 1882, '83
Crossman, Nathaniel J. 1882, '83
Colby, Henry W. . . . 1883
Chace, Frank K. . . . 1883
Cottrell, Thomas B. . . 1883
Corr, Peter H. . . . 1883

Davenport, William R. 1866, '67, '68, '69, '70
Dean, James H. 1867, '68, '69, '72, '73, '74, '75, '81
Dean, Silas 1869
Davol, Albert D. . . 1869, '70
Dean, Charles E. . . . 1875
Dean, William E. . . 1876, '77
Dunlap, J. F. . . . 1878
Dunbar, Joseph . . . 1881

Evans, James M. 1870
Eddy, Saul W. . . . 1874

Foster, Charles 1865, '66, '68, '69, '81, '82, '83
Frasier, Philip A. . . 1868, '69
Fuller, Henry J. . 1869, '70, '71
Fairbanks, Crawford M. . 1871
Falvey, Thomas O. . . 1875
Francis, Laurens N. . 1879, '80
Field, John 1880

Godfrey, Job M. . . . 1865
Galligan, Edward . . 1868, '69
Gallagher, Charles . . 1870
Galligan, James P. 1873, '74, '75
Galligan, Owen . . 1874, '79
Godfrey, Everett D. 1875, '76, '78, '79, '80
Galligan, John H. . . . 1876
Galligan, James J. . . 1877
Godfrey, Horatio . 1881, '82, '83

Hart, John W. . 1865, '70, '71
Hathaway, Frederick 1865, '74, '75
Hathaway, Joseph W. 1865, '69, '79
Harvey, Ruel . 1865, '66, '67
Hall, Andrew H. . . 1866, '67
Hall, Horace M. . . . 1868
Husband, Charles . . . 1868
Haskins, Julius C. . 1868, '69
Hanrahan, James . . . 1869
Holloway, George H. . 1870, '71
Hathaway, Benjamin B. . 1871
Holland, John . . . 1872
Hall, Richard Henry . . 1872
Harris, Henry S. . . 1873, '74
Hodges, Zephaniah . . 1875
Haskins, Edwin . . . 1877
Hunt, James 1878
Hall, Theodore P. . . . 1879
Hoye, Michael J. . . . 1880

Hills, Edward M. . . . 1883

Jackson, Elisha T. . . 1877

Keith, Edwin 1865, '66, '67, '73
King, George P. . 1875, '76, '78
Kinnicutt, Josiah 1877, '78, '79, '80
Kennedy, William F. 1878, '79, '80, '81, '82
Kiernan, Bernard E. . . 1880
Knapp, Arthur B. . . . 1881

Leonard, Nathaniel B. . . 1865
Lovering, Henry M. 1868, '69, '70
Lawrence, Nathan . . 1868
Leach, Isaac W. . . . 1869
Lincoln, Palmer . . . 1870
Lewis, Horace . . 1871, '72
Lincoln, G. Everett . . 1872
Leonard, Manlius B. . . 1873
Leddy, Andrew . . . 1874
Leach, Thomas . . . 1875
Leach, Henry B. . . . 1878
Lincoln, Martin J. . . 1879
Lawton, William C. . . 1879
Lincoln, John W. 1880, '81, '82
Lane, Gamaliel . 1880, '81, '82
Lincoln, J. Mordecai . . 1881
Lincoln, Charles H. . . 1881

Mason, Nathaniel S. . 1865, '66
Murphy, William B. 1866, '67, '73, '74, '75
Macomber, Joseph L. . 1867, '68
Miller, Samuel . . . 1868
McDuffie, Charles D. . . 1869
Monroe, Charles E. . 1870, '71
Morse, Erastus . . 1870, '72
McDonald, John C. 1870, '71, '76
Mehegan, Dennis J. . 1871, '72
Monroe, Francis S. . . . 1872
Macomber, Charles H. 1872, '73, '74

McCarty, James . . 1873, '75
Morse, Jason . 1873, '74, '75
Mason, Frederick 1876, '77, '78, '79, '80, '81
Macomber, Arthur W. . 1877, '78
Maltby, Edward B. . . 1878
Moore, Millard F. . . . 1878
Mason, Charles R. 1880, '81, '82
Merrill, Hezekiah L. . . 1880
Morris, Benjamin 1880, '81, '82, '83
Monroe, Charles A. . 1881, '82
Murphy, John . . . 1881
McDonald, John A. . . 1881
McCormick, Thomas E. . 1881
Marley, Thomas C. . . 1882

Nelson, Moses . . 1867, '68
Noyes, George K. . . . 1883

O'Connor, John J. . 1876, '77
O'Hearne, John . . . 1882
O'Hearne, John, Jr. . . 1883

Pratt, Horatio . . . 1865
Paull, John 1865
Porter, Edmund W. 1866, '67, '68, '72, '73
Padelford, Ebenezer . . 1866
Presbrey, William B. . . 1866
Phillips, William H. . . 1866
Presbrey, Joseph L. . . 1866
Pierce, Stephen . . 1866, '70
Pierce, Elkanah . . . 1867
Pratt, Nehemiah B. . 1867, '68
Paull, Alfred . . . 1868
Paige, Nomus . . . 1869
Presbrey, Billings T. . 1869, '70
Perkins, David D. . 1870, '71
Paull, Charles H. . . . 1871
Paige, Onias S. . 1872, '73, '74
Pierce, Oliver A. . . 1872, '73
Parker, Abel W. . . . 1872

Paull, Charles F. . . . 1875
Pratt, Franklin . . . 1876
Pleadwell, William H. . . 1876
Power, John . . . 1876, '77
Pierce, Perry E. . 1877, '78, '79
Place, Alfred C. . . . 1879
Padelford, David . . . 1879
Paull, Frank . . . 1879, '80
Perry, James E. . . 1880, '81

Quinn, John 1878
Quillen, William . . . 1882

Rhodes, Marcus M. . . 1865
Radley, John . . 1866, '67
Rhodes, Stephen H. . . 1870
Richmond, Charles E. 1873, '74, '75, '76, '77
Rhodes, George H. 1877, '78, '79, '80, '81, '82, '83
Rankin, William H. . . 1877
Reed, Charles A. . . . 1879
Robinson, Winthrop A. 1879, '80, '82, '83
Robinson, Samuel W. 1879, '80, '81, '82, '83

Sanford, John E. 1865, '66, '67, '68, '69, '70, '71, '72, '73, '77, '78
Sproat, James H. 1865
Stanley, Jonathan J. 1866, '67, '68
Southworth, Henry K. . . 1866
Soule, Leander . . . 1867
Stephens, Charles E. . . 1867
Staples, Sylvanus N. 1867, '68, '69
Short, Leonard L. . . 1867, '68
Swan, William W. 1869, '70, '71
Seaver, George F. . . . 1870
Sproat, William B. . . 1871
Soper, Lysander . . 1871, '72
Stephens, Charles H. . 1873, '74
Sprague, Walter S. . 1877, '78
Staples, Abiel B. . . 1877, '78

Simmons, Abram . . . 1877
Sprague, Edgar R. . 1882, '83
Short, Henry A. . . . 1882

Tisdale, E. Dawes . . 1865
Thayer, Henry A. . . . 1865
Thayer, Peter C. . 1868, '69, '76
Tinkham, James A. 1871, '72, '77
Thayer, Frederick . 1873, '74
Townsend, Samuel R. 1873, '74, '75
Thomas, Nelson . . . 1877
Tinkham, William . . 1878
Tidd, Joseph S. . . 1879, '80
Thayer, Otis A. . . 1882, '83

Vaughn, Peter M. . . 1871, '72

Wilbur, J. W. L. . 1865, '66, '76
Williams, Elisha . . . 1865
Woodward, Ezra P. 1865, '66, '71
Walker, George G. . . . 1865
Wilmarth, Learned J. . 1866, '67
Williams, George . 1866, '67, '68
Williams, John A. . 1869, '70
White, Wm. L., Jr. . 1869, '70
Wastcoat, David W. . . 1870
White, Harrison G. O. . . 1871
Williams, Wm. Robert . 1871, '72
Williams, John Tyler . . 1872
Walker, James G. . . . 1872
Walker, William L. . 1873, '74
Williams, Alex. H. 1873, '74, '75, '76
Williams, Asa . . . 1873
Walker, Benjamin L. . 1873, '74
Washburn, Otis . 1874, '75, '76
White, Charles P. . . . 1875
Wood, Cornelius . . . 1876
Willard, A. L. . . . 1876
Welch, John 1876
Williams, Philip . . 1879, '80
Williams, A. Gilbert . 1882, '83
Wood, William H. . . 1883
Wilbur, George E. . . 1883

CITY TREASURER AND COLLECTOR.

Washburn, George A.	1865 to 1883

CITY CLERK.

Cushman, James M.	1865 to 1883

WARD BOUNDARIES.

ESTABLISHED IN THE YEAR 1864 BY THE SELECTMEN.

WARD ONE.

Beginning at the centre of the railroad at the northwest corner of the Hospital farm, from thence southerly following the railroad to Bow street crossing, then southerly to a turn west side of Wright's pottery, then south 26 deg. west to the corner of the roads north side of Sand Hill, then northwesterly following the road to the centre of the roads by Job Crossman's, then north 30 deg. east to a post on the south side of the road east of the old Shores house by some oak trees for a turn, then northerly to the centre of the road by the old Danforth house, then easterly following the road to the place of beginning.

WARD TWO.

Beginning at the centre of the railroad crossing at the northwest corner of the Hospital farm, from thence due east to the corner by Mill River, then southerly by Mill River, to the centre of Spring street, then southwesterly following

Spring street and Bow street to the railroad crossing, then northerly following the railroad to the place of beginning.

WARD THREE.

Beginning at a corner of Ward Two at Mill River, from thence due east to a corner on School street, thence southerly following the centre of School street to the centre of Main street, then easterly by Main street and Summer street to Spring street, then westerly by Spring street to Mill River, then northerly by the centre of Mill River to the place of beginning.

WARD FOUR.

Beginning at a corner on School street, being the northeast corner of Ward Three, from thence due east to Raynham line, then southerly by Raynham to the Great River, then down stream in the centre of said river to the railroad bridge over said river, near the Weir, then northerly by the railroad to Bow street, then easterly and northerly by Bow street, Spring street, Summer street, Main street and School street to the place of beginning.

WARD FIVE.

Beginning at the railroad bridge over the Great River, near the Weir, then southerly following the railroad to the line of Berkley, then southeasterly by Berkley to a corner, then bounded round easterly and northerly by Lakeville and Middleborough to Raynham line, then westerly and southerly by Raynham and Taunton Great River to place of beginning.

WARD SIX.

Beginning at the railroad bridge over the Great River, near the Weir, from thence southerly following the railroad to the line of Berkley, then northwesterly by Berkley and the Great River to a corner on the north side of said river, being a corner of Ward Seven; then north 26 deg. west by Ward Seven to a stake on the west side of Sand Hill road, then north 45 deg. east 36½ rods to the centre of the road north end of Sand Hill, then northeasterly by Ward One to the railroad crossing on Bow street, then southerly following the railroad to the place of beginning.

WARD SEVEN.

Beginning at Norton line where the railroad crosses, from thence southerly following the railroad to the centre of the road crossing at the northwest corner of the Hospital farm, then westerly following the old road to the centre of the road by the old Danforth house, then southerly by Ward One to the corner of the roads north side of Sand Hill, then by Ward Six to a stake north side of the river for a corner, then southerly by the river until it comes to Dighton, then westerly by Dighton to Rocky Woods corner, then northerly by Rehoboth to Norton, then easterly by Norton, to the place of beginning.

WARD EIGHT.

Beginning at the railroad crossing in Norton line, then southerly by the railroad to the northwest corner of the

Hospital farm, then east by Wards One, Two, and Three, to a corner in the line of Raynham, then northerly by Raynham to a corner of Easton, then westerly by Easton, 227 rods to a corner, then southwesterly by Norton to the place of beginning.

INSTRUCTIONS TO WARD OFFICERS.

See Sections 4 *and* 19, *City Charter; Chap.* 7, *Pub. Statutes.*

The warden, if present, will call the meeting to order at the appointed time, and cause the warrant to be read.

If the ward officers are not all present, fill the vacancies before opening the polls for state or city officers. Let the clerk examine his records, and be sure that the officers present, as well as those elected to fill vacancies, are sworn.

The warden's duty, in relation to persons claiming the right to vote, is set forth in chapter 7, Public Statutes.

It is the duty of the clerk to keep the records; and they should be signed by him only, and not by the warden and inspectors.

The warden, inspectors and clerk must sign the returns to the city clerk.

The warrant calling the meeting, and the officers' return thereon, should be first copied on the book, and certified as true copies, thus, "A true copy,

"Attest: *Clerk.*"

Then proceed with the record thus:—

"Pursuant to the foregoing warrant, the inhabitants of ward No. — qualified to vote, assembled at the time and place and for the purpose therein expressed; and at —— o'clock

A. M. the warrant calling the meeting was read.* The polls were then declared to be open for the purpose expressed in said warrant.

"At —— o'clock P. M., the polls were closed; and all the ballots given in having been sorted and counted by the warden and inspectors, the result was declared in open ward meeting; the ballots were then deposited in an envelope and sealed, and the blank returns filled up and signed for transmission to the city clerk.

"Result of the ballot, as declared, was as follows:—

"For ——— ——— as ——— ——— votes.

"The meeting was then, on motion, dissolved.

——— ——— *Clerk.*"

---

* If any vacancies in the ward offices are filled, insert the doings in relation to filling them as follows:—

"After reading the warrant the polls were opened for the choice of a —— —— *pro tem.*

"Whole number of votes given in as follows:—

"For —— ——, who was declared elected to the office of —— —— *pro tem.*, and, being present, was sworn, and entered upon the discharge of the duties of said office."

NOTE.—The declaration of the result of the election, the sealing up of the votes, and the signing of the returns by all the ward officers, must take place before the meeting is dissolved.

The number of votes must be written out in words not figures.

The warden will forthwith transmit to the city clerk the voting lists, and the sealed envelope containing the ballots, by the constable in attendance, or by some ward officer other than the clerk.

The clerk must deliver the returns in person to the city clerk forthwith.

CITY OFFICERS.

WHEN AND HOW ELECTED OR APPOINTED.

Assessors.—Elected by concurrent vote of the city council for three years.

City Clerk.—Elected in January by the city council in convention.

City Treasurer and Collector of Taxes.—Elected in January by the city council in convention.

City Marshal and Assistants.—Appointed by the mayor and aldermen.

City Physician.—Appointed by the mayor and aldermen for three years.

City Messenger.—Elected in January by the city council in convention.

Constables.—Appointed by the mayor and aldermen.

City Solicitor.—Elected in January by the city council in convention.

Chief Engineer and Assistants of the Fire Department.—Elected in January by the city council in convention.

Commissioners of Sinking Funds.—Elected in January by concurrent vote of the city council, for three years.

City Weighers.—Appointed by the mayor and aldermen.

Fence Viewers, Pound Keepers and Field Drivers.—Elected by the city council in convention.

Fish Wardens.—Elected by mayor and aldermen.

Board of Health.—Appointed by the mayor and aldermen in January, for two years.

Board of Overseers of the Poor.—Elected by concurrent vote of the city council in January, for three years.

Inspector of Milk.—Appointed by the mayor and aldermen.

Inspector of Petroleum.—Appointed by the mayor and aldermen.

Mayor, Aldermen, Common Councilmen, Wardens, Inspectors and Clerks.—Elected annually by the voters on the Tuesday after the first Monday in December.

Police.—Appointed by the mayor and aldermen.

Superintendent of Streets.—Elected in January by the city council in convention.

Superintendent of Schools.—Elected in June by the school committee.

Superintendent of Fire Alarm Telegraph.—Elected by concurrent vote of the city council in January.

Superintendents of Cemeteries and Burial Grounds.—Elected by the city council in convention.

Sealer of Weights and Measures.—Appointed by the mayor and aldermen in March or April.

School Committee.—Elected by the voters on Tuesday after the first Monday in December, for three years.

Trustees of the Public Library.—Elected by the city council in convention, for three years.

Truant Officers.—Appointed by the school committee.

Water Commissioners.—Elected in January by the city council in convention, for three years.

Clerk of Water Commissioners.—Elected annually by said commissioners.

Wood Measurers and Surveyors of Lumber.—Elected by the city council in convention.

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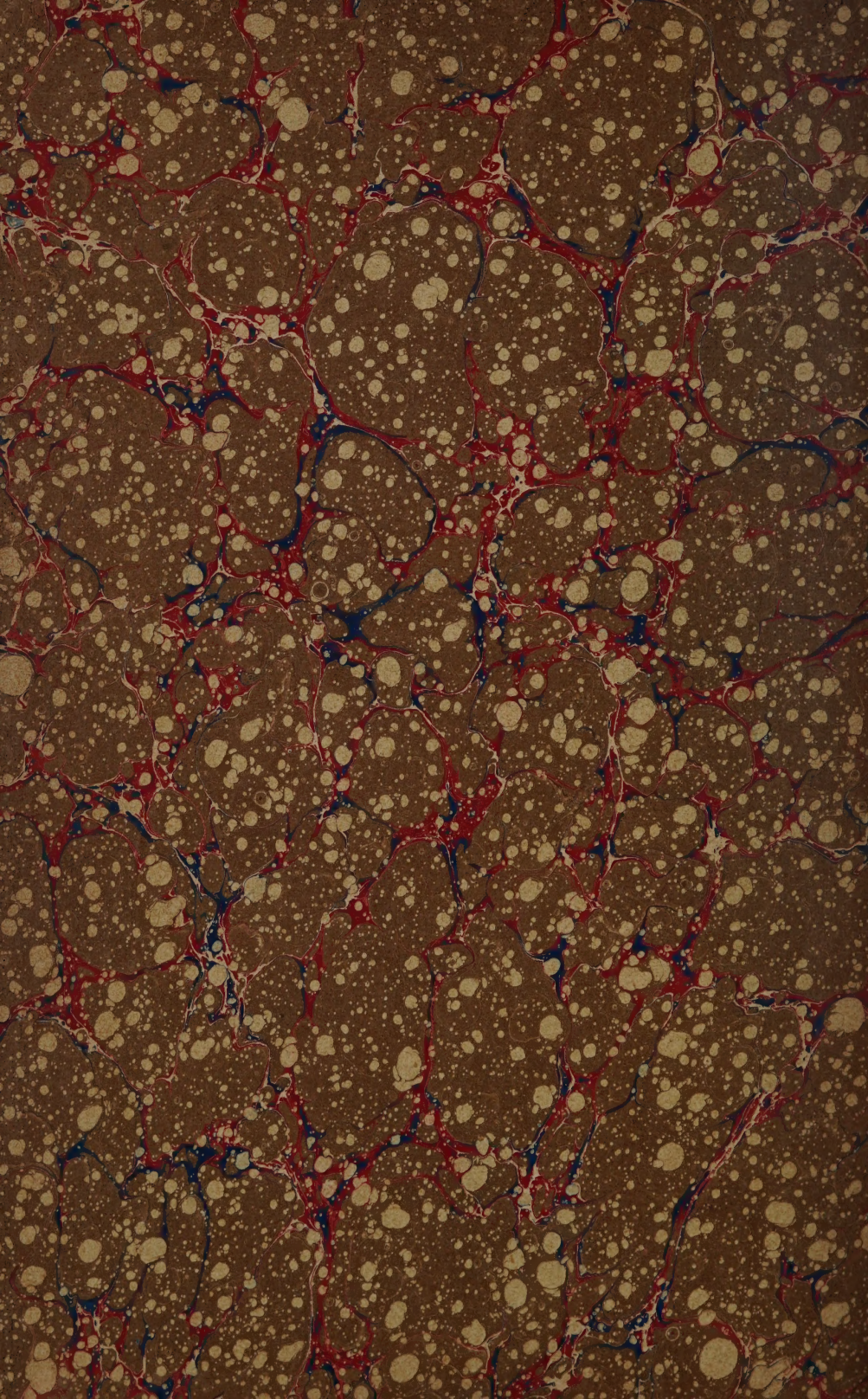

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